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Publication



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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 26 February 2013

Journal des débats (Hansard)

Mardi 26 février 2013

Standing Committee on Government Agencies

Organization

Comité permanent des organismes gouvernementaux

Organisation



Chair: Lorenzo Berardinetti
Clerk: Anne Stokes

Président : Lorenzo Berardinetti
Greffière : Anne Stokes

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 26 February 2013

Mardi 26 février 2013

The committee met at 0905 in committee room 1.

ELECTION OF CHAIR

The Clerk of the Committee (Ms. Anne Stokes): Good morning, honourable members. It is my duty to call upon you to elect a Chair. Pursuant to standing order 117(c) and the sessional paper that was tabled on November 24, 2011, the Chair of the Standing Committee on Government Agencies must be a member of the Liberal Party. Are there any nominations?

Mrs. Laura Albanese: I nominate Lorenzo Berardinetti.

The Clerk of the Committee (Ms. Anne Stokes): Mr. Berardinetti, do you accept the nomination?

Mr. Lorenzo Berardinetti: Yes.

The Clerk of the Committee (Ms. Anne Stokes): Are there any further nominations? There being no further nominations, Mr. Berardinetti is Chair of this committee.

If you would like to come forward, Mr. Berardinetti.

ELECTION OF VICE-CHAIR

The Chair (Mr. Lorenzo Berardinetti): Good morning, honourable members. It is my duty to entertain a motion for Vice-Chair. Are there any motions? Ms. Albanese.

Mrs. Laura Albanese: I nominate Mr. Dickson.

The Chair (Mr. Lorenzo Berardinetti): Mr. Dickson has been nominated.

Mrs. Laura Albanese: He is not present.

The Chair (Mr. Lorenzo Berardinetti): Any other nominations?

Okay, so Mr. Dickson has been selected as Vice-Chair—

Interjection.

Mrs. Laura Albanese: Joe Dickson.

The Chair (Mr. Lorenzo Berardinetti): Joe Dickson.

APPOINTMENT OF SUBCOMMITTEE

The Chair (Mr. Lorenzo Berardinetti): Appointment of subcommittee on committee business: Is there a motion?

Mr. Randy Pettapiece: I move that a subcommittee on committee business be appointed to meet from time to

time at the call of the Chair or at the request of any member thereof, to consider and report to the committee on the business of the committee;

That the presence of all members of the subcommittee is necessary to constitute a meeting; and that the subcommittee be composed of the following members: the Chair as Chair, Laura Albanese, Mr. Jim McDonnell and Ms. Monique Taylor; and

That substitution be permitted by the subcommittee.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? Okay.

All those in favour? Opposed? That carries.

There is a subcommittee report dated Thursday, September 6—

Mr. Paul Miller: Mr. Chair, you might want to reword that. I don't know if there's a Chair of the subcommittee. There's a member from each party.

The Clerk of the Committee (Ms. Anne Stokes): There is a Chair—

Mr. Paul Miller: There is a Chair?

The Clerk of the Committee (Ms. Anne Stokes): The Chair is the Chair, and the three members.

Mr. Paul Miller: Oh, there are four?

The Chair (Mr. Lorenzo Berardinetti): Yes.

Mr. Paul Miller: When did that start? There wasn't last time; we only had three.

The Chair (Mr. Lorenzo Berardinetti): The Chair doesn't vote, though.

The Clerk of the Committee (Ms. Anne Stokes): The Chair does not have a vote in a subcommittee. There is one member from each party, plus the Chair.

Mrs. Laura Albanese: So the Chair of the committee doesn't have a vote in the subcommittee.

The Chair (Mr. Lorenzo Berardinetti): I don't have a vote.

Mrs. Laura Albanese: So Mr. Berardinetti would not have a vote.

Mr. Paul Miller: I don't think there's a Chair of the subcommittee. I don't remember that.

The Chair (Mr. Lorenzo Berardinetti): It's always been that way.

Mr. Paul Miller: It's news to me, because we didn't have one last time on the other committee.

Miss Monique Taylor: So, just to be clear, the Chair of the subcommittee is Laura—

The Chair (Mr. Lorenzo Berardinetti): No.

Miss Monique Taylor: It's still the regular Chair. I'm sorry. It was just—I didn't hear it correctly.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry. It's myself as Chair, and then one member from each party.

Mrs. Laura Albanese: Yes. So I'm not the Chair of the subcommittee. There's the Chair plus myself; you, Monique, and Mr. McDonell.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): No, I don't. I just call the meeting.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): No, but the Chair shows up, because then we discuss any business that has to be conducted at any meeting, and then—

Mr. Paul Miller: There were always three there, so I don't know what happened, but anyway.

The Chair (Mr. Lorenzo Berardinetti): Yes, the Chair should show up.

Interjection.

0910

Mr. Paul Miller: Oh, that's how we never got anything through: because you guys didn't show up. That's how it happened.

The Chair (Mr. Lorenzo Berardinetti): No, but in discussion, you have two opposition members and one from the government, so if there's something that the opposition doesn't like—

Mr. Paul Miller: Now I get it.

The Chair (Mr. Lorenzo Berardinetti): —they can vote against any recommendation.

All right, so there is a report here.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Correct, but the Chair doesn't vote when something happens.

SUBCOMMITTEE REPORT

The Chair (Mr. Lorenzo Berardinetti): Okay, I was saying something earlier. The report to appoint the subcommittee members:

Your subcommittee considered, on Thursday, September 6, 2012, the selection of intended appointments for committee review, and has agreed to recommend the following intended appointees from the certificate received on August 31, 2012, to be selected for review.

There are no selections from either the opposition party, the third party or the government. Do we adopt this report? Okay. Is there a motion to adopt this report? Mr. Miller? All those in favour? Opposed? That carries.

Would the committee like to review the selection process for this committee as to how we're going to review candidates that appear before this committee or the ones that we wish to appear before this committee?

Mr. Paul Miller: The time element for each one—10, 20 minutes? What are you talking about?

The Chair (Mr. Lorenzo Berardinetti): The whole process, I guess. Because usually, I remember from years ago, it used to be that the opposition or the government

could review any of the appointees and bring them forward to the committee to ask questions.

Mr. Paul Miller: You always have the selection of key presenters, right?

The Chair (Mr. Lorenzo Berardinetti): Yes.

Mr. Paul Miller: We'll just go with the flow like it was before.

The Chair (Mr. Lorenzo Berardinetti): Yes. The usual way, I guess, is that the certificate is sent out and then the names of those appointees are given to each party, and then the party can decide which members they want to review.

Miss Monique Taylor: Correct. So those notifications will be sent to subcommittee members?

The Chair (Mr. Lorenzo Berardinetti): Yes, that's right. The certificates are sent to the subcommittee members, and then they're reviewed, and then if there's any desire to bring anyone forward, then that can happen if there are subcommittee votes to favour that.

Mr. Jim McDonell: So the subcommittee report bringing to appoint people in—we just had each party—

The Chair (Mr. Lorenzo Berardinetti): Speak up just a little bit.

Mr. Jim McDonell: Each party chose who they wanted to come in for questioning, and they did get approval for the process before.

The Chair (Mr. Lorenzo Berardinetti): Yes.

The Clerk of the Committee (Ms. Anne Stokes): The process—if I may, Chair—has been long established in this committee for the convenience of the committee members. When a certificate is received in the Clerk's office and tabled with the Clerk from the Public Appointments Secretariat, a copy of that is sent to each of the subcommittee members. The certificates are usually tabled on Friday afternoons. We send out copies of that to each of the subcommittee members. By the following Thursday, the subcommittee members should respond in writing to my office whether there are any selections that they would like to review. If there are no selections, there would be a subcommittee report just like the one we had today. If there are selections, then we would send out notification to the Public Appointments Secretariat, we would set up a meeting here, and those people who have been selected for consideration would be invited to attend, one half-hour for each candidate for an intended appointee. The parties then, in rotation, question for equal time that intended appointee, and at the end of the meeting the committee then votes whether to concur on the appointment.

The Chair (Mr. Lorenzo Berardinetti): Yes, that's the usual procedure that's followed, as far as I know.

The Clerk of the Committee (Ms. Anne Stokes): So that's just to clarify for everybody. I think we've had some of the same subcommittee members, so it would be the same process.

The Chair (Mr. Lorenzo Berardinetti): All right. Is that fine with everybody?

Mr. Jim McDonell: We have the contact information to forward on our selection by Thursday?

The Clerk of the Committee (Ms. Anne Stokes): Yes. We do it by email. There is a resource binder at each of your desks, and you'll find my contact information at the back there as well. But we'll be in touch with you. We won't leave you hanging. We'll make sure that you get everything you need, and then if we need something from you, we'll be in touch.

Mr. Jim McDonell: Sure. Okay.

The Chair (Mr. Lorenzo Berardinetti): Is that okay with everyone?

Was there a question, Mr. Miller?

Mr. Paul Miller: If there's a problem with one of the selections and we want further information about that individual and you only have one week to get it, how is the Clerk's office going to get us the information?

The Clerk of the Committee (Ms. Anne Stokes): Following the interview? Following the—

Mr. Paul Miller: Before the interview even—on a selection.

The Clerk of the Committee (Ms. Anne Stokes): The Public Appointments Secretariat will provide biographical information on the candidate, and the research officer as well does a background on the agency or commission.

Carrie, would you like to—

Ms. Carrie Hull: Yes. We provide just a brief history of the agency, sometimes some issues that the agency is facing and a small amount of information about the candidate, him or herself.

Mr. Paul Miller: So there's not a large bio on the candidate? It's just, you have to do your own research on that, because you may not know them or where they came from?

Ms. Carrie Hull: Well, I find what is publicly available. I don't do—

Mr. Paul Miller: Right. Not personal stuff.

Ms. Carrie Hull: Yes.

Mr. Paul Miller: Fine. Okay.

Interjection.

Ms. Carrie Hull: Yes, but I include an excerpt from what the Public Appointments Secretariat says, but you'll have that information yourselves as well.

Mr. Paul Miller: Do the appointees have to go in front of the Integrity Commissioner at all?

Ms. Carrie Hull: Sorry?

Mr. Paul Miller: Do the appointees have to go in front of the Integrity Commissioner?

Ms. Carrie Hull: I believe they sign statements stating that they do not have conflicts of interest, but I don't know anything else about the process. I think that's—

Mr. Paul Miller: It might be a good idea. But anyways, okay.

The Clerk of the Committee (Ms. Anne Stokes): They would be subject to the—

Mr. Paul Miller: Usual rules.

The Clerk of the Committee (Ms. Anne Stokes): — rules.

The Chair (Mr. Lorenzo Berardinetti): I guess you could also bring them before the committee and ask them that question.

Any further discussion?

Interjection.

Mrs. Laura Albanese: Sorry. I can't hear you.

The Chair (Mr. Lorenzo Berardinetti): Yes, can you speak a little—

Mr. Jim McDonell: The Thursday afternoon when we receive the names—it's some time after that we receive the bios. Is there some way we could shorten that up?

The Clerk of the Committee (Ms. Anne Stokes): With a certificate, there is a very short bio that's provided by the Public Appointments Secretariat. It's usually a paragraph or two, to give you a bit of their background, and that would come with the certificate. Then, once the selections are made, depending on when the committee meeting is scheduled, which could very well be the next week, it would be within that week that—

Mr. Jim McDonell: Lots of times we get it when we arrive here. It's on the desk, and it's somewhat difficult.

Ms. Carrie Hull: I believe they're sent out several days before the meeting through email. That has been our practice in the past.

Mr. Jim McDonell: Yes.

The Clerk of the Committee (Ms. Anne Stokes): Yes, that has been the practice. If there has been a delay, I can't—

Mr. Jim McDonell: But it comes out kind of over the weekend, and then it's—

Ms. Carrie Hull: I believe the practice has been that it comes out Thursday afternoon and the meeting is Tuesday morning.

Mr. Jim McDonell: Okay.

Ms. Carrie Hull: We often don't know that the person is coming in till the Tuesday or Wednesday.

Mr. Jim McDonell: Okay.

The Chair (Mr. Lorenzo Berardinetti): Is everyone clear with the procedure?

The Clerk of the Committee (Ms. Anne Stokes): I'm always available for answering any questions, if you'd like clarification. I'm at the phone, email. You can see me at the table in the House as well. I'm available for any questions. I'd be happy to help.

Miss Monique Taylor: Can I have your extension number, please?

The Clerk of the Committee (Ms. Anne Stokes): The number is 212-5411.

Miss Monique Taylor: So 212-5411?

The Clerk of the Committee (Ms. Anne Stokes): That's my direct line, 2-5411, if you're inside the precinct.

Miss Monique Taylor: Thank you.

The Chair (Mr. Lorenzo Berardinetti): In the last session, I wasn't part of the committee, but there were some agency reviews that were being undertaken regarding certain agencies. Does anybody want to comment on that? I don't know which agencies were being reviewed. Maybe—

The Clerk of the Committee (Ms. Anne Stokes): We could review that.

Ms. Carrie Hull: It was the LCBO and the WSIB.

The Chair (Mr. Lorenzo Berardinetti): There is a question.

Miss Monique Taylor: Thank you. I had my staff contact someone looking for answers and a report back from the WSIB. Do you know anything further that has come back from that meeting date?

The Clerk of the Committee (Ms. Anne Stokes): We received information from the WSIB. I have it available now. I could distribute it if you'd be interested to see that. It was returned when there weren't any members of the committee, so we have—

Miss Monique Taylor: Okay. If we could get that information now, that would be fabulous.

The Clerk of the Committee (Ms. Anne Stokes): I could hand it out right now if you like.

Miss Monique Taylor: Oh, perfect. Thank you.

Mrs. Laura Albanese: So where is that review at?

0920

The Chair (Mr. Lorenzo Berardinetti): I'm sorry?
Interjections.

Mrs. Laura Albanese: Is the review of the WSIB completed? Where is that at?

The Chair (Mr. Lorenzo Berardinetti): We can get the status.

The Clerk of the Committee (Ms. Anne Stokes): I'll let Carrie talk about that.

Ms. Carrie Hull: Our offices prepared summaries of the proceedings but they were never distributed because the session terminated. So it's up to the committee to decide what it wants to do with that information: if it wants it to be distributed; if it wants to continue the process. Anne, I think, can—

The Clerk of the Committee (Ms. Anne Stokes): Last session, the committee selected three agencies for review: the LCBO, WSIB and the Metro Toronto Convention Centre. Each party had selected one agency. The committee was authorized to meet during the summer for four days, and the committee chose to meet those four days for public hearings; two days for LCBO and two days for WSIB.

The time ran out before there was any report-writing or consideration. There was information provided from LCBO, but the WSIB—there were specific requests from Ms. Taylor and that information was provided and we have it here now.

Mr. Paul Miller: Chair?

The Chair (Mr. Lorenzo Berardinetti): All right. I think you should distribute the copies.

Mr. Miller?

Mr. Paul Miller: I'd like to move that all pertinent information on the LCBO, and any other agency that was requested, be released to the committee.

The Chair (Mr. Lorenzo Berardinetti): Is this it right now?

Mr. Paul Miller: That's one; that's WSIB. How about the LCBO? There was information on that asked for too.

The Chair (Mr. Lorenzo Berardinetti): Okay, there is going to be a clarification on that when Anne Stokes is back.

Mr. Paul Miller: Sorry?

The Chair (Mr. Lorenzo Berardinetti): I think we can get some clarification in a moment on that.

The Clerk of the Committee (Ms. Anne Stokes): Any information on the LCBO was received at the public hearings and would have been exhibited at the time, so members of the committee at that time would have received them. If you would like copies of that information, we would be happy to provide that.

Mr. Paul Miller: The new members would like to review it, right?

The Clerk of the Committee (Ms. Anne Stokes): We'll just provide it to all the members of the committee as a refresher.

Mr. Paul Miller: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Ms. Taylor?

Miss Monique Taylor: I don't believe that we got to the Toronto convention centre. We didn't review that, right?

Interjections.

Miss Monique Taylor: It was the government that called on that agency, right? You were here, weren't you, Laura—

Mrs. Laura Albanese: No, I was here only—

Miss Monique Taylor: Subbed in?

Mrs. Laura Albanese: —subbed in for the WSIB hearings, but I did not participate in the ones for the LCBO.

The Clerk of the Committee (Ms. Anne Stokes): The committee is free to look at the Metro Toronto Convention Centre. They're free to initiate other reviews as well. It's up to the committee to decide if they'd like to carry forward with what work was started.

Mr. Paul Miller: That was my motion: all pertinent information to be released to the committee.

Miss Monique Taylor: I just didn't recall them coming before us.

The Clerk of the Committee (Ms. Anne Stokes): No, that's right. There were no public hearings. Nothing was done with Metro Toronto—

Miss Monique Taylor: Right. Thank you.

The Chair (Mr. Lorenzo Berardinetti): So would you like that information brought forward regarding the Toronto convention centre?

The Clerk of the Committee (Ms. Anne Stokes): Well, in that case the subcommittee should have a meeting and decide how they would like to proceed: public hearings; when they would hold public hearings; who they would invite, and so on.

Mrs. Laura Albanese: Then theoretically, with WSIB we would review the pertinent information and then the subcommittee would meet to see if they need any further information or if they're ready to begin the report-writing process?

The Clerk of the Committee (Ms. Anne Stokes): That's right.

Mrs. Laura Albanese: Okay.

The Clerk of the Committee (Ms. Anne Stokes): The committee as a whole could decide right away to go into it, or they could leave it up to the subcommittee to review the information and decide how they'd like to proceed.

The Chair (Mr. Lorenzo Berardinetti): I think that was the intention.

Mrs. Laura Albanese: MPP Taylor, I think you were the only member who was here in the previous incarnation of the committee?

Miss Monique Taylor: I was—

Mrs. Laura Albanese: And you were as well?

Miss Monique Taylor: Yes, they were both here.

Mrs. Laura Albanese: So there are three of you.

Miss Monique Taylor: Yes.

Mrs. Laura Albanese: What I was saying is we will review the worker compensation information, and then I guess we should decide if we need any further information or if we want to begin the report-writing part of it. Is that correct?

Mr. Paul Miller: No—

Mrs. Laura Albanese: Not now, but I'm saying that would be the next steps.

Mr. Paul Miller: This is a done deal; this is done. It's in front of us; we've got this. I said any further information in regard to the LCBO or anything else that may have an impact on this committee should be released. Any information that's dealt with—

Mrs. Laura Albanese: That's fine.

Mr. Paul Miller: That's all I want.

Mrs. Laura Albanese: I was just talking about next steps as far as the WSIB and the LCBO are concerned. I've been on this committee—2007-08. From what I recall, when you're reviewing agencies, first you have the public hearings. Once those are finished, you proceed with the report-writing. You write a report on it. So I would imagine that you would need to write a report, both for LCBO and WSIB, when the committee is ready.

Miss Monique Taylor: Okay, so this isn't the report. You have to excuse me, because it's my first time getting to this point, because we didn't get this far in the last session. So, this is the summary?

The Clerk of the Committee (Ms. Anne Stokes): Yes.

Miss Monique Taylor: And then we can still expect a report to come forward.

Ms. Carrie Hull: The summaries are prepared to help the committee in its report-writing duties. That just reminds you what happened and helps you see the main areas that were being raised by witnesses. Then we help you write the report with that document.

Miss Monique Taylor: Okay. All right. That's what I didn't know. I've never been this far.

The Clerk of the Committee (Ms. Anne Stokes): So, I understand I will distribute all the exhibits we received regarding LCBO and WSIB. Then the subcommittee will

meet to review what the next steps would be in report-writing for both of those and how to proceed with the Metro Toronto Convention Centre.

Miss Monique Taylor: Okay. Thank you.

The Chair (Mr. Lorenzo Berardinetti): All right. Is everyone clear on that, then? So the next step will be a subcommittee meeting to discuss—

The Clerk of the Committee (Ms. Anne Stokes): Yes, at the call of the Chair, or would you like to set a time now?

The Chair (Mr. Lorenzo Berardinetti): We can either set a time now for subcommittee or we can contact everyone.

Miss Monique Taylor: I unfortunately don't have my BlackBerry with me this morning; it's misbehaving, so I don't have my calendar with me. I apologize.

The Clerk of the Committee (Ms. Anne Stokes): I can distribute the information. That can go out this afternoon—or today—and then I will talk to the Chair and we will propose dates for a subcommittee meeting.

Miss Monique Taylor: Perfect; thank you.

Mr. Jim McDonell: Would it be appropriate now of the subcommittee meeting to look at the next three we look at—if we all have a selection to look at, as far as an agency?

The Clerk of the Committee (Ms. Anne Stokes): We could make that the same meeting, yes.

Mr. Jim McDonell: Okay.

The Chair (Mr. Lorenzo Berardinetti): All right. Next up will be, the subcommittee to meet—and set a date for the subcommittee meeting.

Miss Monique Taylor: A clarification, Chair: Is there a limit on how many agencies can actually be called forward by each party, or do we just call one each at a time?

The Clerk of the Committee (Ms. Anne Stokes): The only constraint is time. This committee is authorized to meet from 9:00 to 10:25 in the morning. You've got intended appointments to review, plus agency reviews. Committees will often hold off public hearings, for example, until a break—over the Christmas break or the summer break—but it doesn't prohibit you from selecting whatever you wish. It's really just time constraints in terms of what you review.

The Chair (Mr. Lorenzo Berardinetti): All right. Is that clear to everyone, then?

So the next thing will be for the subcommittee to meet. Information, in the meantime, will be distributed as required by all members. So we'll set the subcommittee meeting up as soon as possible.

Any further discussion? None. Anything further on the agenda?

The Clerk of the Committee (Ms. Anne Stokes): No, that's it.

The Chair (Mr. Lorenzo Berardinetti): No, that's it. The meeting is adjourned, then.

The committee adjourned at 0927.

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Vice-Chair / Vice-Président

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Mrs. Laura Albanese (York South–Weston / York-Sud–Weston L)

Mr. Lorenzo Berardinetti (Scarborough Southwest / Scarborough-Sud-Ouest L)

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

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Tuesday 19 March 2013

**Standing Committee on
Government Agencies**

Intended appointments

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Journal des débats (Hansard)

Mardi 19 mars 2013

**Comité permanent des
organismes gouvernementaux**

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Tuesday 19 March 2013

Mardi 19 mars 2013

The committee met at 0905 in committee room 1.

SUBCOMMITTEE REPORT

The Vice-Chair (Mr. Joe Dickson): Good morning, everyone. It's a beautiful spring morning.

Item 1: report of the subcommittee on committee business dated Wednesday, March 6. Someone please move the subcommittee report. Would you do that, Paul?

Miss Monique Taylor: I just wanted to make an amendment. Do I do that after or before?

The Clerk of the Committee (Ms. Anne Stokes): If you could move it first, and then—

Miss Monique Taylor: Oh, okay. I'll move it.

The Vice-Chair (Mr. Joe Dickson): Got it. Second? All in favour? Thank you. I don't see any debate. Next speaker, you're on.

Miss Monique Taylor: Thank you, Mr. Speaker. I move that paragraph 4 of the subcommittee report be amended to replace Tuesday, March 19, with Tuesday, March 26.

The Vice-Chair (Mr. Joe Dickson): Thank you. Any debate? All in favour? Thank you.

Move for adjournment?

Mr. Paul Miller: I move for adjournment.

The Vice-Chair (Mr. Joe Dickson): No debate? Only kidding. Thank you very much. The meeting's over.

Ms. Lisa M. Thompson: I like your meetings, Joe.

The Vice-Chair (Mr. Joe Dickson): Sorry about that. Sorry for the delay, Paul. It won't happen again.

The committee adjourned at 0906.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 26 March 2013

**Standing Committee on
Government Agencies**

Report writing

Journal des débats (Hansard)

Mardi 26 mars 2013

**Comité permanent des
organismes gouvernementaux**

Rédaction du rapport



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 26 March 2013

The committee met at 0910 in committee room 1.

REPORT WRITING

The Chair (Mr. Lorenzo Berardinetti): Good morning, ladies and gentlemen. This is a meeting of the Standing Committee on Government Agencies. We're going to begin the meeting now. The only thing on the agenda is report writing. Hopefully, everyone has a copy of the report, this one here, Review of the Workplace Safety and Insurance Board, Summary of Public Hearings.

We'll just start now and try to take any comments so that we can start writing this report. Are there any comments? The Chair is willing to recognize anybody at this point.

Miss Monique Taylor: So we're just going to begin right off the bat and get right into it, right?

The Chair (Mr. Lorenzo Berardinetti): Yes.

Miss Monique Taylor: We have distributed a package which was previously distributed also to House leaders. I know that we're crunched for time when it comes to writing this report, so I guess we'll just start with the beginning of the motions and ask for them to be submitted.

The Chair (Mr. Lorenzo Berardinetti): Paul Miller?

Mr. Paul Miller: Mr. Chairman, the bottom line here is that we'll read them into the record, and if there's a consensus, we can move along on each one. Obviously if there isn't consensus, we'd like to vote on them, and I make it a motion and have it recorded.

The Chair (Mr. Lorenzo Berardinetti): Okay. Any other comments before we begin?

Mr. Jim McDonell: Also, we had a motion to put through here as well.

The Chair (Mr. Lorenzo Berardinetti): Can you speak into the microphone, please?

Mr. Jim McDonell: We have a motion we'd like to move as well.

The Chair (Mr. Lorenzo Berardinetti): There's some motions you'd like to move?

Mr. Jim McDonell: Yes.

The Chair (Mr. Lorenzo Berardinetti): Okay. Anyone else?

We'll go back, first of all, to Monique Taylor. Did you want to put forward the motions or—

Miss Monique Taylor: Yes, we would like to.

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 26 mars 2013

The Chair (Mr. Lorenzo Berardinetti): Okay.

Miss Monique Taylor: Or we can do this motion first because it's housekeeping.

Mr. Paul Miller: Mr. Chairman, we could do Mr. McDonell's one first because he's got one here, and then we can move on. We've got a lot more than they have.

The Chair (Mr. Lorenzo Berardinetti): Okay. Jim McDonell, do you want to go forward, then?

Mr. Jim McDonell: Sure. I move that notwithstanding the subcommittee report dated March 6, the committee shall meet for the purpose of report writing on the review of the WSIB on March 26 and April 9, and for the purpose of report writing on the review of the LCBO on April 16, 23 and 30.

The Chair (Mr. Lorenzo Berardinetti): Did everyone hear the motion? Is there any discussion?

Do you intend to come back to the WSIB afterwards?

Mr. Jim McDonell: I think the intent is to give us a break and look at it and then come back to it after that.

The Chair (Mr. Lorenzo Berardinetti): Okay. Is there any objection to that? None.

Okay. We don't need to vote on this, do we? If everyone agrees to it, then we'll adopt that. Does it carry? Okay, great.

We'll move, then, to Monique Taylor.

Miss Monique Taylor: Okay, thank you. Motion number 1 is: Stakeholders have presented serious concerns to the committee about the WSIB's implementation of its mandate.

WSIB is facing significant continuing challenges in the coming months.

Therefore the committee requests that the WSIB and/or the government table with the committee by May 15, 2013, its plan of action to address the issues of concern outlined in the committee's motions with a final report back on implementation of the plan by October 31, 2013.

We would like this submitted.

The Chair (Mr. Lorenzo Berardinetti): Okay. Any comments?

Miss Monique Taylor: Do you want to go through them one by one, Mr. Chair?

Mr. Phil McNeely: One by one.

The Chair (Mr. Lorenzo Berardinetti): One by one? Okay. I think there was a comment here, and then we'll go to Norm Miller next. Vic Dhillon?

Mr. Vic Dhillon: Thank you, Chair, and good morning. We don't necessarily disagree with this motion, but

would like to amend it to say that the WSIB report back on this issue in their report after the report has been formally tabled. There's no real disagreement with the essence of this motion, just that we would like the WSIB to report back after this report has been submitted.

The Chair (Mr. Lorenzo Berardinetti): Okay. Any disagreement with that?

Miss Monique Taylor: I'm sorry, I just would like clarification. So—

Mr. Vic Dhillon: We just have a problem with the dates.

Miss Monique Taylor: Okay.

Mr. Vic Dhillon: We don't disagree with the motion, but we would like to—

Miss Monique Taylor: Just change the dates?

Mr. Vic Dhillon: For after, when the report is submitted formally.

Miss Monique Taylor: Of course. Okay.

The Chair (Mr. Lorenzo Berardinetti): Is that okay with everyone?

Mr. Jim McDonell: So, just a clarification: You're looking for the report to be issued, and this would come out afterwards, so it wouldn't tie up the report?

The Chair (Mr. Lorenzo Berardinetti): Absolutely.

Okay. We're in agreement on that? Okay. That carries, then.

Monique Taylor—or do you want to move over to Jim McDonell? Jim?

Mr. Jim McDonell: This is the first we've seen of the motions, so we're just wondering if we could have a 20-minute recess, just to look through them and get some assessment.

The Chair (Mr. Lorenzo Berardinetti): You want to take a short recess for 10 minutes?

Mr. Paul Miller: Excuse me, Mr. Chair, what's the recess for?

Mr. Jim McDonell: Just to review these; we haven't seen these before.

Mr. Paul Miller: Oh, you haven't seen them?

Miss Monique Taylor: They were submitted to your House leaders. It's really unfortunate, because we really don't have a lot of time submitted to do this, especially now that we've passed a motion allowing yours to happen after two days of hearings here. The first part of this hearing has already been shortened by 15 minutes, and now we're already only five minutes into it and asking for a recess. I would never have supported this motion if this was going to happen.

Sorry, but we only have an hour and change—

Mr. Paul Miller: Mr. Chairman, we're well aware that they're allowed to ask for a 20-minute break. We're aware of that.

So you're telling me that your House leader did not pass the information on to you?

Mr. Jim McDonell: No, we hadn't seen this.

Mr. Paul Miller: Well, then, they're allowed 10 minutes. We can't argue that.

The Chair (Mr. Lorenzo Berardinetti): Okay. How much time? Ten, or—

Mr. Jack MacLaren: Twenty.

The Chair (Mr. Lorenzo Berardinetti): Twenty minutes. Okay, we'll come back in 20 minutes.

The committee recessed from 0920 to 0940.

The Chair (Mr. Lorenzo Berardinetti): I call this meeting back to order. I just want to remind everybody that for the subcommittee reports and everything, we can meet—well, next week is a constit week, so we would meet again on April 9. That will be our final day to work on this, because after that we've decided as a committee to move on to the LCBO. After that we can come back to this later, so everyone knows.

Go ahead, Monique.

Miss Monique Taylor: Thank you, Chair. I realize that we did just pass this motion for dates, but I was wondering if we could have consideration for another date after this, to include three full days, because we have already had a lot of time loss on this and there is a lot of work to be done. I don't think cramming it into two days is really going to be helpful for anybody.

The Chair (Mr. Lorenzo Berardinetti): The answer to that is you'd have to get agreement from the House leaders.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I think we'll let the committee Clerk explain it.

The Clerk of the Committee (Ms. Anne Stokes): My understanding is that the committee can spend as much time as it wants on report writing. The subcommittee had said we'd start with the WSIB and then, when it was completed, move on to the LCBO. The motion this morning that was agreed to was that we would spend two weeks on the WSIB and then three weeks on the LCBO. The committee is then free to return to the WSIB at that time. If you want to specify specific dates now, you may, but the committee is free to spend as much time as it wishes. I don't think you have to feel that you have to complete it within the two days. Is that my understanding, Mr. McDonell?

Mr. Jim McDonell: Yes.

Miss Monique Taylor: May I speak?

The Chair (Mr. Lorenzo Berardinetti): Okay, Monique. Go ahead.

Miss Monique Taylor: Thank you for the clarification. Would it be possible, then, if we did move to three direct instead of trying to break it up and muddy the waters of putting the LCBO in the middle of completing one report before we complete another? It just would make sense to me to do it together.

Mr. Jim McDonell: I have no problem with that. There was some discussion between the two groups that you had to break it up like that as well. I have no problem if you want to do three and then move on.

Miss Monique Taylor: I would just prefer to finish one before we started jumping into another one without having something complete.

Mr. Jim McDonell: I think the idea is that if you put a couple of weeks into it, it will give you a chance to get to some of your questions. Then you're going to come

back to it. If you try to finish it all at once, I think that it's a bit rushing it through. That was the whole idea.

The Chair (Mr. Lorenzo Berardinetti): Paul Miller?

Mr. Paul Miller: If Mr. McDonell gives us his consensus there, would it be okay if we made an amendment to this motion that we put forward an additional date? The one that we already voted on, that we make an amendment to that, would that be satisfactory?

Mr. Jim McDonell: Sure.

The Chair (Mr. Lorenzo Berardinetti): I think so. Anyone disagree with that?

Mr. Vic Dhillon: That's fine.

Mr. Paul Miller: So if we could add to "I move that notwithstanding the subcommittee report dated March 6, the committee shall meet for the purpose of report writing on the review of the WSIB on March 26 and April 9"—could we add a day to that, April 9?

Interjection: The 16th.

Mr. Paul Miller: Okay, when is constit week?

Interjection: That's later on.

Mr. Paul Miller: So we could add April 16 to it, and then move on from there, the 23rd, 30th and whatever's needed for the LCBO. Would that be reasonable? So that amendment would change, then, to include the committee to deal with this situation on the 16th as well.

The Chair (Mr. Lorenzo Berardinetti): Is everyone okay with that? Agreed. Thank you.

Mr. Paul Miller: Thank you.

The Chair (Mr. Lorenzo Berardinetti): So who else wants to speak to this?

Mr. Jim McDonell: That's fine.

The Chair (Mr. Lorenzo Berardinetti): The motion is carried.

Would the committee like to discuss what they want to put in the report or certain areas they want to focus on? Yes, Norm Miller?

Mr. Norm Miller: Sure. The number of points the NDP have put forward here I think might form the basis for discussion for committee report writing. I'm not normally on this committee, but Mr. McDonell, our lead, I know, as was stated, just received these just this morning. But we'd certainly be happy to have the NDP read into the record motions that they've put forward so that we can get an understanding of them and take some time to think about them with the understanding that if there's going to be a vote on them, it would be deferred to a further date so that we do have some time to think about them, because they are quite in depth. But I think some of the points the NDP are making, the motions would form a basis of discussion for report writing.

The Chair (Mr. Lorenzo Berardinetti): Okay. So you want to read the motions into the record—

Mr. Norm Miller: So they can read them into the record.

The Chair (Mr. Lorenzo Berardinetti): Paul Miller?

Mr. Paul Miller: I appreciate Mr. Miller's comments, and we're okay with that. We'd like to read them into the record now. We'll alternate on the motions and get them on the record. I'll start off, whenever you're available.

The Chair (Mr. Lorenzo Berardinetti): Before you do, there's a comment. Mr. McNeely?

Mr. Phil McNeely: Chair, we have them in front of us. I don't see the need to read them into the record today. They'll be read into the record on the day they're going to be voted on as individual motions. I don't see why we should be taking the time up of the committee—we've got them in front of us—to read all that into the record.

The Chair (Mr. Lorenzo Berardinetti): I think the reason to read them into the record is to form a basis of discussion. That's all.

Mr. Paul Miller: Mr. Chairman, with all due respect to Mr. McNeely, this is simply a recommendation at this point to be voted on later. We want all the committee to be able to decipher what we're saying here, and give them a reasonable amount of time to look it over. But we certainly want to get them on record from our perspective so that we know that it won't fall by the wayside as we go along.

The Chair (Mr. Lorenzo Berardinetti): Is that okay, Mr. McNeely?

Mr. Phil McNeely: It's duplication. I don't understand why we're taking up that time this morning to read all of these into the record.

Mr. Paul Miller: Well, Mr. Chairman, you're in a position to have a vote on that, on whether we do or not. I think we have the votes. So if he doesn't agree, that's fine.

The Chair (Mr. Lorenzo Berardinetti): Okay. Why don't we start with the first one because we only sit until 10:25.

Mr. Paul Miller: We can get in as many as we can, right through as quickly as we can and get as far as we can. Is that okay, Mr. Chairman?

The Chair (Mr. Lorenzo Berardinetti): Yes.

Mr. Paul Miller: Thank you. Motion 1—

Miss Monique Taylor: We already did motion 1.

Mr. Paul Miller: Okay. Motion 2:

The government appointed Professor Harry Arthurs to do a funding review of the WSIB.

Professor Arthurs issued a report with recommendations critical to the long-term success of Ontario's workers' compensation system.

The committee heard from Professor Arthurs about the rationale for his recommendations.

The committee heard concerns about lack of progress in the WSIB's implementation of Professor Arthurs's recommendations.

Therefore, the committee requests that the WSIB and/or the government table with the committee a report describing the steps it has taken to implement each of the recommendations in Professor Arthurs's report by May 15, 2013.

Motion 3—

The Chair (Mr. Lorenzo Berardinetti): Let's—should we stop at motion 2? We'll ask for discussion on motion 2. Any discussion on motion 2? Mr. Dhillon.

Mr. Vic Dhillon: Thank you, Chair. Again, we don't necessarily disagree with this motion, but it's just that we have a problem with the dates. Having recommendations by a certain date is an issue, so maybe if we can have the WSIB report back at the end of report writing.

The Chair (Mr. Lorenzo Berardinetti): Is that okay? Mr. Miller, you moved the motion. Is that okay?

Mr. Paul Miller: Actually, we don't understand why there would be a delay. May 15 is plenty of time. This is March. You're talking close to eight weeks, so I don't understand why you would require more time or you're not happy with the time limit. The report should be back by then, because we're going to deal with the reports on or before May 15, so we've added them. We've added another date to it, so a lot of the stuff is going to be dealt with in April.

Mr. Vic Dhillon: Yes. The issue is just about being committal. The report, you said, "should" be, but we don't know. That may create an issue later on.

Mr. Paul Miller: I agree with Mr. Dhillon, but we can certainly rectify that situation as we go along if we feel that the time period—

Mr. Vic Dhillon: Again, we would be duplicating our efforts.

Mr. Paul Miller: Not necessarily, because it may or may not.

Mr. Vic Dhillon: "May or may not" is exactly the issue.

Mr. Paul Miller: It's not duplicating it.

The Chair (Mr. Lorenzo Berardinetti): Okay, one second. Mr. McDonell? Jim?

Mr. Jim McDonell: Maybe I could help. We're just looking at reading these, and that would give us some time to come back with some information over the next couple of weeks. Maybe the date is short, but we're not voting. We're deferring the votes, so it gives some time for discussion and a chance to check back through your department. It's just a matter of getting these on record. The vote will be in a couple of weeks anyway, so the discussion really wouldn't be necessary at this point.

Interjection.

Mr. Jim McDonell: Well, the point is, as Mr. Miller said, it gives a chance to put this in the framework of the report that's coming through. These are issues that they would like to see at least addressed. The timelines are something we could modify when we go through a vote on it if we choose to in the future.

The Chair (Mr. Lorenzo Berardinetti): We're meeting again April 16.

Mr. Vic Dhillon: Yes. Chair, we have no problem with that proposition, but we won't be voting on any of the motions today.

The Chair (Mr. Lorenzo Berardinetti): No.

Mr. Vic Dhillon: Provided we have that understanding, we're okay with Mr. Miller reading—

The Chair (Mr. Lorenzo Berardinetti): I think they're just being introduced today.

Mr. Vic Dhillon: Introduced today, but we won't be voting on them. On that premise, we can go ahead.

Mr. Paul Miller: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Any other comments on recommendation 2? We'll move on to recommendation 3. Mr. Miller?

Mr. Paul Miller: Motion 3:

The Minister of Labour directed that the funding review address the issue of benefit indexation for injured workers on partial benefits.

Injured workers on partial benefits have seen the value of the benefits they must rely on eroded by inflation.

Professor Arthurs concluded that fairness "clearly involves restoration of full indexation and abandonment of the present ad hoc system of annual adjustments by regulation."

Professor Arthurs found that steps could be taken to restore full indexation for injured workers on partial benefits and restore some of the erosion of the value of those benefits at the same time as reducing the unfunded liability.

Therefore, the committee requests that the WSIB and/or government table with the committee by May 15, 2013, an assessment of a balanced and fiscally responsible timetable:

—to restore full indexation for injured workers on partial benefits;

—to allow for restore the value of the eroded benefits of injured workers; and

—to end the current practice of ad hoc indexing.

I'll give you a little bit of an explanation on that. The Arthurs report recommended that benefits for partially disabled workers be fully indexed for inflation. In May 2012, the government announced that the benefits for such workers would be increased by 0.5% in 2013 and another 0.5% in 2014, a far cry from the Arthurs recommendations.

Employee organizations such as the OFL and Ontario Public Service Employees Union argued that full indexation was the only fair solution for partially disabled workers.

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The Chair (Mr. Lorenzo Berardinetti): Thank you. Any comments?

Mr. Paul Miller: No.

The Chair (Mr. Lorenzo Berardinetti): Okay. We'll move on to the next motion, number 4. Monique?

Miss Monique Taylor: Professor Arthurs made recommendations for both the government and the WSIB to take to ensure that workers are protected and the experience rating programs are consistent with the requirements of the WSIA.

The committee heard concerns about the failure of both the government and the WSIB to implement Professor Arthurs's recommendations experience rating.

The committee recommends that both the government and the WSIB immediately and fully implement Professor Arthurs's recommendations on experience rating.

The committee requests that the WSIB and/or the government table a report by May 15, 2013, reporting on

the implementation of each of Professor Arthurs's recommendations on experience rating.

The explanation for this: The Arthurs report recommended that, among other things, the WSIB should state clearly that the purpose of its ER programs was to reduce workplace injury and disease and to encourage return to work; adopt a policy to protect the integrity of these programs and commit the necessary resources to detect, prevent, and punish abuses; and establish a credible monitoring program to ensure the fulfillment of the above.

In his testimony before the committee, Mr. Arthurs reiterated, "I have enough evidence that harm is being done that I think the board should immediately take steps to deter people from engaging in illicit forms of claim suppression." He recommended that the board assign this task to a specific individual.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? No? We'll move on to motion number 5, then.

Mr. Paul Miller: Motion 5. Go ahead.

Miss Monique Taylor: Many workers and employers remain unprotected by Ontario's workers' compensation system.

Professor Arthurs described the coverage issue as "so critical for the future of Ontario's workplace insurance system that it deserves early and extensive study."

The committee recommends that the WSIB and/or the government immediately commission a study on coverage with a view towards increasing coverage and addressing potential problems in implementation.

The Chair (Mr. Lorenzo Berardinetti): Any discussion on motion number 5? None? Okay, we'll carry on. Miss Taylor or Mr. Miller?

Mr. Paul Miller: Number 6?

The Chair (Mr. Lorenzo Berardinetti): Yes, please.

Mr. Paul Miller: The committee heard serious concerns about benefit reductions to vulnerable injured workers.

If these concerns are validated, there is a significant risk that injured workers will have to resort to social assistance programs to the cost of the municipal and provincial taxpayer.

The solution for many of these workers is a job with dignity rather than unemployment and social assistance.

The committee requests that the WSIB and/or the government report back by May 15, 2013, with statistics from Ontario Works and the Ontario Disability Support Program, from 2007-08 to the present, documenting the number and proportion of claimants formerly or currently on WSIB benefits.

We're going to forget the explanation, because you can read that, and we will move on.

Miss Monique Taylor: They don't have it.

Mr. Paul Miller: You don't have the explanations on that anyway.

The Chair (Mr. Lorenzo Berardinetti): Okay, I'm just going to ask—

Mr. Paul Miller: You want us to read the explanations into it? You do?

The Chair (Mr. Lorenzo Berardinetti): Yes.

Mr. Paul Miller: Okay. Explanation: Some organizations argued that the WSIB was in the practice of implementing benefit reduction policies that were still at the consultation stage. The OWA commented that it has "worked a lot with the board to identify what's official policy, what's perhaps a little bit unofficial and how to ensure that the official policy is followed." The WSIB insisted that it is not using policies that have not been formally approved.

What this motion does is ask the government to look at the impact of possible benefit reductions on Ontario Works and ODSP.

Motion 7: The committee heard serious concerns about proposed changes—

The Chair (Mr. Lorenzo Berardinetti): Motion 6: Any discussion? None? Okay, move on to motion 7.

Mr. Paul Miller: I guess I'm assuming that there's no discussion, so I keep going. I'll stop every time.

The committee heard serious concerns about proposed changes by WSIB to its internal appeals process, including tightened appeal time limits, limits on oral hearings and a requirement for sometimes poorly resourced representatives to prepare extensive documentation before their appeals are accepted.

The chair of the Workplace Safety and Insurance Appeals Tribunal issued an urgent message on February 1, 2013, expressing great concern about the tribunal's capacity to deal with the increase in appeals from WSIB within current resource levels.

The committee requests that the WSIB reconsider its appeal changes, especially the restrictions on oral hearings, and that the WSIB report back by May 15, 2013, with the results of its review.

The committee requests a report by May 15, 2013, from the WSIB on its appeals branch volumes and decision outcomes, including outcomes for oral and written appeals separately, from 2007-08 to the present.

The committee requests a report from the chair of the WSIAT by May 15, 2013, on WSIAT's appeals volumes and backlogs for the same time period, including any need for additional resources.

The committee requests a commitment from the minister by June 15, 2013, that WSIAT will be given additional resources to address its workload issues.

Explanation: Numerous organizations drew attention to the appeals backlog at the WSIB. Some expressed concern about the proposed changes to the appeals process. In particular, the UFCW, OWA, OLCWCN and ONIWG noted that injured workers are being asked to sign a declaration acknowledging that the initiation of an appeal permits the board to reverse earlier entitlements. The OWA claimed that this practice was having a chilling impact and recommended that the board develop a guidance document as an alternative to the declaration.

Other organizations stated that the WSIB was planning to eliminate oral hearings from the appeals system, potentially depriving workers of a valuable opportunity to explain their situation. The UFCW argued that this

change would have a particularly detrimental impact on migrant workers or new Canadians.

The UFCW and CUPE argued that it is not the appeals system that needs renewal but rather the WSIB's new approach to initial claims. These labour organizations indicated that initial decisions were being made too quickly and with inadequate information, producing inferior decisions and more appeals. They recommended that the WSIB slow down the initial decision process. The WSIB could, however, still activate RTW as it was waiting for further information on a file. OPSEU proposed better communication between the appeal system and WSIB staff so that the latter would know that certain decisions are not permissible.

The Chair (Mr. Lorenzo Berardinetti): Okay. Before we move on to the next motion, any discussion? No? We'll move on to the next motion, number 8.

Miss Monique Taylor: The committee heard serious concerns about the vulnerability and lack of resources of many workers and small employers and the need they have for free services to help them navigate a complex system and advocate for its improvement.

Professor Arthurs wrote that it was in the interests of the WSIB for both workers and employers to be adequately represented in both case adjudication and policy debates.

The committee requests a commitment by May 15, 2013, from the WSIB and/or the government that resources will be sustained to the organizations serving injured workers and small business, including the Occupational Health Clinics for Ontario Workers, the Occupational Disability Response Team, community legal clinics serving injured workers, Office of the Worker Adviser, Office of the Employer Adviser and the Ontario Network of Injured Workers Groups.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? Okay. The last one I think is motion number 9.

Miss Monique Taylor: The committee heard serious concerns from stakeholders about the elimination of loss of earnings benefits for occupational disease victims whose cancer or other illness developed after retirement and dramatic reductions in benefits for surviving spouses of such workers.

The committee requests a commitment from the WSIB and/or the government by May 15, 2013, that the government will introduce legislation to fix these problems retroactively.

The explanation for this is the WSIB informed the committee that the increased incidence of occupational disease is one of the challenges facing the board. The WSIB formerly had a panel that provided it with scientific advice regarding OD.

The Arthurs report recommended that the WSIB re-establish this panel to enable it to identify ODs eligible for compensation and to provide input regarding the likely future costs of ODs. It also recommended that costs attributable to ODs should be charged to the industry class where the claims originate and not to OHIP or the general welfare system.

The Chair (Mr. Lorenzo Berardinetti): Thank you. There's a bit of noise coming from the back. I'd ask if you want to step out and make conversation, because I'm trying to listen to the motions here, and I'm having a bit of trouble. Okay? So I'd appreciate if you can just pay attention, or you can step outside if you want to.

Mr. Paul Miller?

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Mr. Paul Miller: Thank you, Chair. I'd like to thank the committee for allowing us to read this into the minutes. We'll continue from there at the next meeting. We appreciate it.

The Chair (Mr. Lorenzo Berardinetti): Any discussion?

I'm going to have the committee Clerk comment on this briefly.

The Clerk of the Committee (Ms. Anne Stokes): I'm not commenting. I just wanted to explain the report-writing process because this committee itself hasn't done one in its current structure right now.

These recommendations that have come forward: The research officer will use them, as was discussed, as a framework for a report and will produce a draft to the committee members. The committee members then, as we meet, will have the opportunity to review those recommendations, propose new recommendations, amend those recommendations, come up with more—whatever they would like to do. The committee is free to conduct its business as it sees fit, but that's sort of the common practice.

The first draft then will be discussed. Any changes that you wish to make can go back. There can be a second draft or a third, fourth, fifth—it can go on as long as you like. But basically the research officer will be compiling all the information and, at your direction, will be coming forward with a report with recommendations. You can ask for a response from the government. There are a number of options to be made.

When the committee agrees on the report, that report is presented to the House and up for adoption by the House itself.

The Chair (Mr. Lorenzo Berardinetti): First, Mr. McNeely?

Mr. Phil McNeely: I disagree that these motions which have been read into the record are going to be the basis of the next report. I think that is not the proper way to proceed. I don't want to disagree with the Clerk's office, but that is not the way to proceed. We allowed these to be read in for consideration so we know them for the next time, but to be using them to write the report at this stage puts both other parties in a difficult position.

They're in the record. They're to be looked at so we know better for the next day that we're going to be considering writing the report, and that's the end of it. They're read into the record. I think it's a disadvantage to the other two parties if we consider this part of the report writing.

The Chair (Mr. Lorenzo Berardinetti): First, Paul Miller, and then Norm Miller.

Mr. Paul Miller: Yes. I understand where Mr. McNeely is coming from. However, to get it on the record, to have a basis to form a report to bring back to the committee—we sent these recommendations in to the minister a week ago, and we also sent them to the official opposition. Whether they had time to review it or not is not our problem; it's their problem. They know it was coming forth today. We made them well aware that these recommendations were coming forward. If they don't inform their committee members to deal with it at the time, that's not our fault. We're simply getting it read on the record. This has been around for months, and you've had opportunity to make other recommendations on changes to the WSIB. We've been doing it for years. To say that this is something that came out of the blue is not what happened.

So I disagree with you on your synopsis on what transpired. You've had plenty of time. If you come unprepared for it at the committee level, that's not our fault.

The Chair (Mr. Lorenzo Berardinetti): Mr. McNeely?

Mr. Phil McNeely: I just challenge the words "coming unprepared." We were prepared, but what we had agreed to was to read your motions into the record—simply that. Now to say that we're going to use them for the next stage of the report writing I think is completely unfair. We were prepared to discuss and propose amendments on each of these issues.

It wasn't a matter of being unprepared for this. It's just that the agreement was made to read them into the record. Let's leave it there until the next meeting.

The Chair (Mr. Lorenzo Berardinetti): Okay. Mr. Norm Miller, and then the committee Clerk wants to speak to this briefly.

Mr. Norm Miller: Sure. I think the Clerk gave a good explanation of the way report writing normally works. I think the NDP have put forward a number of points that they think should be included and discussed in the report and that reflect their perspective. I'm sure, as the opposition, we will want to look at them further. We may not agree with all of them, but we'll certainly look at them. I'm sure the opposition, under the lead of Mr. McDonell, will be bringing forward recommendations of our own to be discussed as well. We'll either have agreement on the report or we'll not have agreement and there might be a dissenting report. But the Clerk gave an excellent explanation of—

The Chair (Mr. Lorenzo Berardinetti): I think she has another one to give.

Mr. Norm Miller: Either way, it usually works.

The Chair (Mr. Lorenzo Berardinetti): Yes. I think, being Clerk, we'll give her a chance to speak to it.

The Clerk of the Committee (Ms. Anne Stokes): I don't want anyone to think that I'm directing the committee in any way whatsoever. I am simply providing advice to all sides.

The committee does not have to direct the research officer to produce a draft. The recommendations have been put forward. They're on the record. They can be reviewed; you've got them in writing. You can come for-

ward the next week. It just depends on whether you want to start with a draft and then change it or how you want to consider it. That's up to you to decide.

The Chair (Mr. Lorenzo Berardinetti): Okay, Mr. McDonell.

Mr. Jim McDonell: I think the NDP have brought through some issues they'd like to see included in the report, as we will, and I'm sure as the government will. They've been right into the report. There are probably some answers that the committee could work on to provide information so that we could review in the future, but I would suggest it's as simple as that. It's just some of the key parts that they wanted in, and I would hope that next week we'll have some submissions formally. We'd like to submit, as I'm sure the government will. We'll move on from that point and decide what should be in and what should be out.

I think there's some general agreement on all the points. It was a good two days we put through, and this is the first day of the report writing.

The Chair (Mr. Lorenzo Berardinetti): Okay, Mr. Paul Miller.

Mr. Paul Miller: Thanks, Mr. Chair. This is a draft; this is not a blueprint. This is an initial starting point that we'd like to see for discussion. The members are well aware they can bring recommendations and amendments to any one of the motions we discuss in the future before we vote on it. When we do vote on it, then it's open for discussion. But you've got to start somewhere, and this was a start. That's all that is. It's not a threat to their ability to put amendments in or do changes to anything. So I don't know what the panic is about.

The Chair (Mr. Lorenzo Berardinetti): Any further comments? None?

Okay, any other matters of discussion?

I'm going to put a question before the committee. Are you asking legislative research to prepare a report based on those comments or not?

Mr. Paul Miller: We're asking to have a report come in a draft form so that we have something to sink our teeth into.

The Chair (Mr. Lorenzo Berardinetti): Okay. Any further comments?

Mr. Vic Dhillon: I don't think there needs to be any draft at this point because what we agreed to was that the motion is to be read in the record, and that was it. The official opposition plans to bring their amendments—as do we—based on these motions to the next committee meeting. So I don't think a draft of any sort at this stage is warranted.

The Chair (Mr. Lorenzo Berardinetti): Okay. Any other comments on this? Mr. McDonell?

Mr. Jim McDonell: I think that the staff could take this as there will be some questions to be generated, and they can do some research. But we would certainly want to—before we direct to any type of draft report—actually have some time to discuss these, as well as some of the other recommendations that will be coming forth. It might be premature. They've been read into the record, and I'm sure there will be others read in before we

actually start to do a report. As I say, there will be much more to be included in this report, so it might be premature to come back with a draft at this point.

The Chair (Mr. Lorenzo Berardinetti): Any other comments? Mr. Miller.

Mr. Paul Miller: Well, obviously there's a little bit of a change here. You know what? To me, it's not a threat. I can live with what they want to do. If the opposition's comfortable with that, and the government, I don't see why it's a threat, but I can live with that. If you're happy with that, just reading it in, it doesn't matter.

The Chair (Mr. Lorenzo Berardinetti): Okay, any further comments? No?

So I think we have agreement here. They've been read into the record, and we'll leave it at that, then? Mr. McDonell?

Mr. Jim McDonell: The points have been read in, and the explanation, so do we have access to that fairly quickly as opposed to getting them next week at the meeting, or the following? I mean, Hansard will have them. It will be ready in a day or two. We'd have a record of the explanations that went along with them.

The Clerk of the Committee (Ms. Anne Stokes): I can't guarantee how long it will take to get the committee Hansard. The House Hansard takes precedence, and the committees come afterwards. Next week is a constituency week, so I would expect it to be sometime next week. I can't, right now, pin down when it would be.

Mr. Jim McDonell: Okay, so we'll probably receive it, and it will be emailed back to the Chair and the leads by next week. Would that be possible? Just an identification when it's completed?

The Clerk of the Committee (Ms. Anne Stokes): Okay. We will ensure that you know when the Hansard is complete.

Mr. Jim McDonell: Okay, thank you.

The Chair (Mr. Lorenzo Berardinetti): Any other comments? I don't think we have any votes at this point. We'll just leave it at that, and we'll wait for the—

Mr. Paul Miller: I move for adjournment.

The Chair (Mr. Lorenzo Berardinetti): Mr. Paul Miller has moved adjournment. All those in favour? Opposed? That carries. Thank you.

The committee adjourned at 1013.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 9 April 2013

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 9 avril 2013

The committee met at 0906 in committee room 1.

SUBCOMMITTEE REPORTS

The Chair (Mr. Lorenzo Berardinetti): Good morning, everybody. I call this meeting to order. Our first order of business is the report of the subcommittee on committee business dated March 28, 2013.

Mr. Joe Dickson: I move the adoption of the report of the subcommittee dated Thursday, March 28.

The Chair (Mr. Lorenzo Berardinetti): Mr. Dickson has moved—

Mr. Joe Dickson: I have moved that. I will further move adoption of the report of the subcommittee on committee business dated Thursday, April 4—

The Chair (Mr. Lorenzo Berardinetti): The March 28 one. Yes, let's do the first one first. March 28: You've moved adoption of that. Is there any discussion? If not, all in favour? Opposed? The motion is carried.

Our second order of business is the report of the subcommittee on committee business dated April 4, 2013.

Mr. Joe Dickson: I have moved that. I will move it again, Mr. Chair, if you wish.

The Chair (Mr. Lorenzo Berardinetti): Moving adoption of the report. Is there any discussion? All those in favour? Opposed? The motion is carried.

AGENCY REVIEW:
WORKPLACE SAFETY
AND INSURANCE BOARD

The Chair (Mr. Lorenzo Berardinetti): Members of the committee, I just wanted to say a few words before we get into today's business.

This is the Standing Committee on Government Agencies. We're meeting to continue report writing on the agency review of the Workplace Safety and Insurance Board.

Before we continue, I'd like to discuss with the committee the advantage of meeting in closed session while we are in the process of writing reports.

A closed-session meeting means that, on the committee's agreement, only members of the committee, the Clerk of the Committee and the committee research officer are permitted in the room. There is no public broadcast of the meeting or Hansard transcript of the proceedings.

Members may find that a closed session permits more open, frank and candid discussion. Proposals can be discussed and changed without premature public discussion. The report remains confidential until it is reported to the House.

A committee may decide to go into or out of closed session at any time it wishes. For example, when the committee is reviewing intended appointments, it would meet in open session, and in any time remaining it could go into closed session to continue report writing.

I wanted to bring this to the committee's attention for its consideration. So what I want to say is that the advantage of a closed session is that we can speak frankly and openly about the way we want to write the report, but it doesn't affect any issue, really, because when we come out, the report is public and is tabled directly with the Legislature.

Is there any discussion about this? Mr. Dhillon?

Mr. Vic Dhillon: Chair, I think it would be okay if the committee decided we wanted to keep it in camera. I don't think it's much of an issue with us.

The Chair (Mr. Lorenzo Berardinetti): Okay. Any other—Ms. Taylor?

Miss Monique Taylor: I would prefer not to be in camera, personally. I would definitely prefer even to have one staff member able to stay with us—with me in particular.

The Chair (Mr. Lorenzo Berardinetti): The reason I'm asking for a more frank and open discussion: I've been here now for over nine years and have chaired or been on various committees. We've never gone into closed session; I know it feels a bit uncomfortable. The reason I think we should do it is because we are report writing and it provides for an open and frank discussion so that we can ask for various things or work together as a group. I think the Clerk of the Committee may be able to explain a little bit more about it, about why we would go into closed session.

The Clerk of the Committee (Ms. Anne Stokes): It's just an opportunity; it's an option that the committee has. It has been customary for committees, when they are report writing, to go into closed session. It's not to hide anything, but it allows the members themselves to have a more frank and candid discussion that they may not feel—they may be constrained in a public forum. Sometimes, to build consensus around a certain recommendation or a certain issue in a report, members may

want to discuss things in closed session that they wouldn't necessarily want to discuss in open. That's really the sole purpose for it.

It also means that as discussions are made about a report, things would become—if they're open, it gets out into the public, and that may not be what is in the final report, but those things have been promulgated already. There may be premature discussion about something that the committee actually doesn't decide on doing at the end. So it just allows for that kind of flexibility to discuss things, to throw out ideas and to change things even after you've discussed something and then have come back to it later and decided to change it.

So it's really totally up to the committee's decision. It has been customary, if you look at public accounts, for example, that if they're writing reports, they will almost always go into closed session. It's strictly something up to the committee's wish.

The Chair (Mr. Lorenzo Berardinetti): Mr. Miller?

Mr. Paul Miller: I'm a firm believer in open concept. I don't like closed-door meetings. I don't like in camera. I will not support it. It's my understanding that staff has to leave. That is absolutely unacceptable. I don't know why it's based on tradition, because we used to have more problems in municipal politics for having closed-door meetings than anything I've ever seen. So I will not be supporting a closed-door session.

The Chair (Mr. Lorenzo Berardinetti): Okay. Any further discussion? Mr. McDonell.

Mr. Jim McDonell: I can appreciate the need for frank discussion during the report writing. There will be occasion to move in and out if we want to table something or get something on the record and that type of thing—not often, but generally before we go in camera type of thing.

The Chair (Mr. Lorenzo Berardinetti): Yes, I think we can go in and out.

Mr. Jim McDonell: Yes, so the committee is still pretty flexible.

The Clerk of the Committee (Ms. Anne Stokes): The committee is totally flexible. You can start in closed session; you can go into closed session and come out, whatever you wish.

Mr. Jim McDonell: And I can appreciate, if we want to get this thing actually written, that there needs to be that ability to work at it and not worry about what's being—you know, for the discussion that goes on to be frank and open in closed session.

The Chair (Mr. Lorenzo Berardinetti): Monique Taylor?

Miss Monique Taylor: Thank you, Chair. I can appreciate their concerns, but I would request one staff person per caucus. There's a lot behind this. There's a lot of work put into this. I think having a staff person could be helpful to all of us. I mean, how many times did we have to break so that people could talk to their staff and everything? Having a staff person involved I don't think would be an issue to me if that would be in agreement.

The Chair (Mr. Lorenzo Berardinetti): Vic Dhillon?

Mr. Vic Dhillon: Chair, I appreciate Mr. Miller's concerns about openness and all that, but my experience has been that report writing has typically and traditionally been done in camera for reasons maybe—I can't think of a good example at the moment, but we would prefer that we do keep it in camera.

I don't think any one of us would oppose openness and transparency, but I think there are reasons for which report writing has always been in an in camera setting. I mean, the contents of what we will produce will eventually be public. Again, as you suggested, it's so that we can have a frank discussion on what's on the table, because these are really very highly important issues. Maybe in sort of an open dialogue setting we can come to better resolutions.

The Chair (Mr. Lorenzo Berardinetti): Okay. Mr. Miller?

Mr. Paul Miller: Is it the option of the individual members if they partake in it or not? Because I don't think I'll be here for an in camera session. So if you want to go that route, it's up to Miss Taylor what she wants to do, but I won't partake in a closed-door session. If you're going to do that, I'm out of here.

The Chair (Mr. Lorenzo Berardinetti): Okay. I know Monique is here—her microphone is on. I never liked closed-door sessions either, and I was in municipal politics for 15 years. I think Anne Stokes can explain again the reason why we'd go into a private session.

The Clerk of the Committee (Ms. Anne Stokes): There's really nothing more to say. It's just an opportunity. It's generally excluding all—other than staff and members themselves—to allow the members to have that kind of interaction. There is nothing to keep a member in the committee or to force a member out of the committee, so it would be totally up to your decision. The committee is free to do what it wishes. If you wanted to have a staff member in, although that's not customary, if you could ask that staff member to keep any information confidential until the report is published, if you could guarantee or ask that, that would be accepted. But it's really up to the committee.

Mr. Vic Dhillon: Chair, I think—

The Chair (Mr. Lorenzo Berardinetti): I had two other speakers before you. Monique Taylor? Your mike came on. I'm sorry; Lisa Thompson.

Ms. Lisa M. Thompson: Thanks very much, Chair. I just have a couple of questions, through you, to the third party. My understanding is that this isn't a new routine. In speaking to other MPPs, like the MPP from Muskoka—Parry Sound, this is a normal practice for report writing. Chair, through you to the third party, what's different this time to make them object to in camera sessions? Can I ask that question through you?

The Chair (Mr. Lorenzo Berardinetti): Yes.

Mr. Paul Miller: I'd be happy to answer the question. In my experience over the years in municipal politics, the only time council ever got in trouble—

Mr. Vic Dhillon: This isn't municipal politics.

Mr. Paul Miller: Just let me finish, Mr. Dhillon. When we got into these situations, lots of times we got in

trouble, because there were three things you didn't deal with: personnel matters, real estate purchases by the community, and financial. This is partially financial, because you're talking about the WSIB; you're talking about underfunding; you're talking about changes to the WSIB which will affect funding. So that falls into those three categories, and that's why I have a problem with it.

Now, if you're willing to allow one staff member from each party to stay, I'd be okay with that, because then it's not really a closed-door session because you've allowed staff in there. It's kind of in-between. But I don't think staff are going to run out and tell anyone, and I think they'd be confidential. I could live with that. But I don't think you're going down the right road with this. That's my opinion and I'm sticking to it.

Ms. Lisa M. Thompson: Yes. I appreciate it.

The Chair (Mr. Lorenzo Berardinetti): Vic, did you want to say something?

Mr. Vic Dhillon: We can't draw parallels between municipal and provincial politics. It's a totally different ball game. I'm sure if Mr. Miller would look at history, it's always been the tradition of an in camera meeting.

Mr. Paul Miller: Did you serve in municipal politics? Were you ever a councillor?

Mr. Vic Dhillon: Well, I've served longer than you in provincial politics.

Mr. Paul Miller: Were you a councillor?

Mr. Vic Dhillon: I've served longer than you in provincial politics.

Mr. Paul Miller: I guess you weren't. Okay.

The Chair (Mr. Lorenzo Berardinetti): Okay. Randy?

Mr. Randy Pettapiece: I did serve in municipal politics and I understand what you're talking about. However, when we dealt with matters that could involve money, a lot of times we did go in camera; with personnel matters was another reason. We had one person in camera, the clerk on municipal council, unless another department had to be there because of their expertise in the matter. I think we're making a big deal of this thing that doesn't have to be made. We can go in and out of in camera at any point, and I can see a more relaxed demeanour in the in camera sessions than in open committee. So I really don't see why we're blowing this thing up. It's a minor point, in my opinion. However, I have no issue with going in camera to discuss certain things.

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The Chair (Mr. Lorenzo Berardinetti): Jim McDonell?

Mr. Jim McDonell: I think it's the norm; we should do that. But I have no problem with having staff members around. They do a lot of the work in the background and not being here would be a problem. But it still keeps the spirit of it being in camera. It allows us to speak freely and we tend to be more productive when we're trying to work. I'd certainly appreciate it if they—and even myself, I'd appreciate having a staff member to help us out. They tend to do a lot of the work in the back-

ground between meetings. It would probably save some time overall.

The Chair (Mr. Lorenzo Berardinetti): Okay.

Mr. Vic Dhillon: Chair, in the interest of moving forward, I think we're making unreasonable comparisons because I certainly can tell you that in municipal politics, there are no staff members attending in camera meetings, but in the interest of moving forward, I would be okay with allowing one staff member to be present.

The Chair (Mr. Lorenzo Berardinetti): I just want to chip in a word. I think you have a point, Mr. Miller—Paul—about the whole in camera thing. But number one, the reason to go in camera when you're in municipal politics is because of those three issues that we discussed.

Here, by going in camera, we can talk freely about some issues; some of them may be personnel, some of them may be financial matters that we're dealing with. So I think the reason is to have a more informal discussion in camera because whatever we come up with—whatever recommendations—is public. We're not hiding anything from the public. It's just to allow more frank discussion to go on.

My feeling is that by staying in open session, we might say stuff or suggest things that, in the end, we're not going to do. I remember sitting for hours and hours in camera, where you hash out the financial matters or hash out the personnel matters or whatever.

The third reason, as well—and I dislike going in camera, but at least when we're finished, we come out with a recommendation that's public. I think that's the reason here too: We want to come out with a report that's public.

Go ahead.

Mr. Paul Miller: Two things, then. You can vote on whether you want to go in camera or not, and I want it recorded. Secondly, you can vote whether you're going to allow a staff member. If you allow a staff member from each party to stay, I don't have a problem. If you don't, if you vote no to both, I'm leaving. That's your option, Mr. Chair. Call the vote for it.

The Chair (Mr. Lorenzo Berardinetti): Okay. Let me just say one thing. I think by keeping a staff member in, it's not really in camera—

Mr. Paul Miller: Exactly.

The Chair (Mr. Lorenzo Berardinetti): Yes, because basically the members discuss and hash out—

Mr. Paul Miller: That's what I wanted.

The Chair (Mr. Lorenzo Berardinetti): —the differences.

Mr. Paul Miller: The Clerk just said if it's voted acceptable, it's acceptable to have a person. So I'm getting mixed messages from the two people sitting at the front.

The Chair (Mr. Lorenzo Berardinetti): Okay. Honestly, I've been here for a while, this is the first time I've had to have this suggestion to go in camera—the first time, and I've sat on committees since I first—

Mr. Paul Miller: Well, there's a first time for everything, Mr. Chair.

The Chair (Mr. Lorenzo Berardinetti): Yes. So I'm trying to wrap my head around it too but I think the idea is—

Mr. Paul Miller: You know what I think? I think I can clarify it for you. This is a very sensitive issue, especially to our people who are here today and the people who have been lobbying us from our sections. They find this very—they get a little leery when things are done behind closed doors; needless to say, the general public does, whether we like it or not.

The bottom line here is that I'm trying to make this an open process. The government said they want everything accountable and open. They say it every day in the House. This is another example of why—why would we have it in camera? What are we hiding? What discussions would not be privy to the people listening or the staff members—that we would say that we wouldn't normally say?

I don't understand what's going to be achieved by being in camera that's going to be any different than it would be if the staff were here. I'm going to say what I think no matter who is here, and so would they, I assume. This cloak of secrecy has really got me nervous. I can tell you, I've dealt with this for years. Maybe in eastern Ontario, they do it differently, but in Hamilton, in that area, we got in a lot of trouble for in camera meetings. I don't like it, I'm not comfortable with it. You guys can do what you want. That's me.

The Chair (Mr. Lorenzo Berardinetti): Okay. Mr. Pettapiece?

Mr. Randy Pettapiece: Shakespeare wrote a play *Much Ado About Nothing*, and I think that's what this is. We're getting a little too political on this—

Interjection.

Mr. Randy Pettapiece: Excuse me, excuse me.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Order, please. Go ahead.

Mr. Randy Pettapiece: We're getting too political on this, and I think that's what going on over here. If we can't proceed with this agency as has been done in the past, I have trouble with that.

Like I say, when we were in council, where I'm from, there were certain matters that were dealt with in camera. This could be one of them. And we can go in and out of camera. I'm sorry; this is getting just a little bit on the silly side as far as I'm concerned.

The Chair (Mr. Lorenzo Berardinetti): I'm just saying this out loud—whatever we do, at the end of the report is public. The report is public. We're not going to do anything in secrecy. I think it's to allow for that.

For example, when you deal with personnel matters at the city level, you want to be able to discuss what happened or why you're thinking of changing personnel or whether you're going to hire or fire someone or discipline someone. You want to discuss it behind closed doors, but the recommendation that comes out about what you're going to do—it's not like we're hiding

anything; just to allow for that frank discussion like we used to do in camera at the city level.

Mr. Paul Miller: On city council, whenever you go in camera—anything in those three categories could involve litigation. That's why you went in camera: if it was finances, real estate or personnel matters. It sometimes did go to litigation, and we had problems.

Just because something has been done for the last 100 years and it's same old same old doesn't mean that new ideas can't come forward and changes be made to the procedures and protocol that are done on these committees. I personally think that the public has a right to be involved in everything that's said in this room. That's my humble opinion.

You guys can vote on it, and I'll do what I've got to do.

Mr. Vic Dhillon: Ridiculous ideas. Ridiculous.

Mr. Paul Miller: Well, that's your opinion.

The Chair (Mr. Lorenzo Berardinetti): Mr. Pettapiece or Mr. McDonell.

Mr. Randy Pettapiece: I'd like to call a recess.

The Chair (Mr. Lorenzo Berardinetti): A 10-minute recess. Okay, that's fine. The committee will recess for 10 minutes and come back at 20 to 10. Thank you. We are recessed.

The committee recessed from 0930 to 0945.

The Chair (Mr. Lorenzo Berardinetti): Okay, the committee is back in order right now. Before we decide, is there any further discussion? Ms. Helena Jaczek.

Ms. Helena Jaczek: I think it's important for us all to think why we're here in this committee. We have the public interest at heart; I'm sure all of us do. What we want to do is to write a report that makes recommendations related to WSIB so that this agency serves as many Ontarians in the appropriate way as possible.

I think that, personally, in the spirit of compromise we can reach consensus and have a report that we can deliver to the Legislature that we're all happy with. I think the best way of achieving that is through an in-camera session because of the toing and froing that occurs. I've been on several committees in the five years I've been here where we've gone in camera with report writing, and it really does change the dynamics. People make points very freely and you can build consensus.

Now, in the spirit of compromise, I'd be very much in favour of what the NDP have suggested, that in fact we do have one staff person per caucus present. I think that would save time. I think it will be much more productive if we have that staff person. The fact that that hasn't occurred in the past is interesting, because I in fact think it's a good idea. When it comes to however we're going to be voting, I'm certainly going to be in favour of in camera with one staff person per caucus.

The Chair (Mr. Lorenzo Berardinetti): Okay. Any further discussion? We'll take it to a vote. Do you want to do one vote or anyone want to split it into two votes? This would be a motion—

Mr. Paul Miller: Two votes—recorded, please.

The Chair (Mr. Lorenzo Berardinetti): Jim?

Mr. Jim McDonell: I guess it would be proper then to put a motion on the floor with consensus to do it with a staff person, just make the one motion and move it from there—or that we do it with one staff member present per caucus. That seems to be what the consensus is. I'd be prepared to do that, I guess, if that's what it took. Sure.

The Clerk of the Committee (Ms. Anne Stokes): So the motion is that the committee move in camera and each caucus would have one staff person available.

Mr. Jim McDonell: Yes.

The Chair (Mr. Lorenzo Berardinetti): Is that okay with everybody? All those in favour of that? Opposed? That carries.

Mr. Randy Pettapiece: Who made the motion?

The Clerk of the Committee (Ms. Anne Stokes): Mr. McDonell.

Ms. Lisa M. Thompson: Who seconded it?

The Clerk of the Committee (Ms. Anne Stokes): We don't need to second it.

Did you want a recorded vote, Mr. Miller?

Mr. Paul Miller: If Mr. McDonell is bringing forth the one, I can live with that, because that's basically what my idea was.

Mr. Jim McDonell: That's what the consensus is.

Mr. Paul Miller: I can live with the one. I don't need the other one if that goes.

The Chair (Mr. Lorenzo Berardinetti): Okay, so we'll vote again.

Mr. McDonell is moving a motion that we're moving to in camera, but that each party or each person, I guess—

The Clerk of the Committee (Ms. Anne Stokes): No, each party.

The Chair (Mr. Lorenzo Berardinetti): Each party, I'm sorry—each party has one staff member present. And you want this recorded, Mr. Miller?

Mr. Paul Miller: Yes.

Ayes

Dhillon, Dixon, Jaczek, McDonell, Paul Miller, Pettapiece, Taylor, Thompson.

The Chair (Mr. Lorenzo Berardinetti): Okay, so that carries.

The Clerk of the Committee (Ms. Anne Stokes): I just would like to clarify that the idea of being in camera is that the discussions are confidential, so I would like to ask that each caucus can ensure that their staff would keep everything confidential, that there isn't premature discussion going on.

The Chair (Mr. Lorenzo Berardinetti): Okay.

The Clerk of the Committee (Ms. Anne Stokes): And so now, if we could recess for five minutes just to clear the room.

The Chair (Mr. Lorenzo Berardinetti): Yes. So, a recess for five minutes just so we can clear the room. Okay? Thank you.

Mr. Paul Miller: Thank you, Mr. Chair.

The Chair (Mr. Lorenzo Berardinetti): You're welcome.

The committee continued in closed session at 0950.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 16 April 2013

Journal des débats (Hansard)

Mardi 16 avril 2013

Standing Committee on Government Agencies

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and Insurance Board

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 16 April 2013

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 16 avril 2013

The committee met at 0905 in committee room 1.

INTENDED APPOINTMENTS

MS. DEBBIE BAXTER

Review of intended appointment, selected by official opposition party: Debbie Baxter, intended appointee as member, Ontario Clean Water Agency.

The Chair (Mr. Lorenzo Berardinetti): Good morning, and welcome to the Standing Committee on Government Agencies.

We have two items on the agenda today, beginning with one intended appointment. Following the intended appointment, we will consider the concurrence of the appointment. Once we have completed the consideration of our intended appointment, we will resume our report writing on the committee's review of the WSIB.

Our intended appointee for today is Debbie Baxter, nominated as a member of the Ontario Clean Water Agency. Ms. Baxter, can you please come forward and take a seat at this table here? Thank you. Good morning. You may begin with a brief statement if you wish.

Just to let the committee know, any time used for her statement will be deducted from the government's time for questions. Each party will have 10 minutes to ask questions. The questioning will start with the official opposition.

We will now open the floor and ask you to make your presentation. Thank you very much for being here.

Ms. Debbie Baxter: Thank you, and good morning.

Mr. Chair and committee members, I appreciate the opportunity to discuss my candidacy for the Ontario Clean Water Agency board.

My qualifications: Just to expand on that for a moment, I was born and raised in eastern Ontario; 20-plus years in the technology industry managing large-scale technology project implementations. I have a diploma in information technology from Loyalist College in Belleville; I have been a certified management accountant since 1991. I've been granted the ICD.D designation by the Institute of Corporate Directors through Rotman at the University of Toronto.

I have worked on many large-scale IT implementations. Anecdotally, one was with the government at the Ministry of Finance, the IFIS implementation of a common chart of accounts. More recently, I've had experi-

ence with other boards, some in the government sector, and so I'm very familiar with board governance.

My understanding of the requirements from the chair of the OCWA board is that they're looking for someone with technology expertise to bring to the board. They are also looking for someone with financial expertise. I have both of those qualifications.

I'm interested in this role because of a genuine desire to give back. It's an opportunity to use my skills in a situation where they can do good.

The Chair (Mr. Lorenzo Berardinetti): Thank you for your presentation.

We'll begin now with the official opposition, if there are any questions. Mr. McDonell.

Mr. Jim McDonell: Thank you for coming out, Ms. Baxter.

Just looking at your resumé and where you've been, certainly you seem to be impassioned about the environment. But the Ontario Clean Water Agency really is determined by the latest science, and it really is a business that requires not only the production of safe water, but at a price that people can afford. I'm just wondering what your feeling is on that type of statement and working with the science in the process or through the process.

Ms. Debbie Baxter: My understanding of the requirements of the role from a governance standpoint is a desire for them to expand some of the capability on the board to include some of the requirements that I bring to the table.

You are correct that I am not a water purification expert or anything like that. I have no experience with that. What I do have experience with is efficiency and large-scale system implementation, so making sure that we are implementing the best processes that have the control measures in place etc. I think that pertains regardless of the application.

0910

The Chair (Mr. Lorenzo Berardinetti): Mr. Pettapiece?

Mr. Randy Pettapiece: Good morning. You were trained by Mr. Gore to deliver his—what was that called again?

Ms. Lisa M. Thompson: An Inconvenient Truth.

Mr. Randy Pettapiece: I lost it; I'm sorry—An Inconvenient Truth.

Municipalities are facing issues with money. Money is tight, not only with this government, but with municipalities. They're having difficulties implementing some of the plans that the government has imposed upon them, so I wonder, how do you see your approach to implementing the OCWA's mandate in situations where the client is facing financial or other difficulties?

Ms. Debbie Baxter: Thank you for the question. I'm not yet on the board and I'm not as familiar with their mandate as I would be if I were immersed in that. I think that they go through a competitive process with the bids that are necessary for the municipal sourcing requirements for these kinds of roles, and my understanding is they operate on a not-for-profit basis. In those situations, there's a lot of opportunity for efficiency, so I would look forward to the opportunity to watch for those situations and bring my experience to bear.

Mr. Randy Pettapiece: So you believe in a competitive bidding process? Is that what you think they should be doing?

Ms. Debbie Baxter: I think so, yes.

Mr. Randy Pettapiece: Now, even so, I've had experience on councils where that has come in on the high side and then we're faced with a position as to whether we continue on with it or hold it back. This is what municipalities face, and then if we have a government that's mandating that you will do this type of thing, it's a difficult position to be in. What would you say in your position with this agency as to how you would get around some of these issues?

Ms. Debbie Baxter: My thought would just be that as I become familiar with those files, when I'm actually on the board, definitely watch for opportunities like that.

Mr. Randy Pettapiece: Okay, thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Ms. Thompson?

Ms. Lisa M. Thompson: Thank you very much. My question is with regard to your experience from LoyaltyOne. The Ontario Clean Water Agency has a business plan to operate and, understandably, based on Mr. Pettapiece's remarks, we know dollars are scarce at the municipal level. The agency is going to win contracts, and you're going to lose contracts, so based on your experience at LoyaltyOne, how could you positively affect their business plan to ensure that there's stability for the agency in terms of a good funding model?

Ms. Debbie Baxter: Thank you for the question. I think that my experience over the last—probably more years than I'd like to admit to—20-plus years is that there's a certain way to treat customers. You can drive to the lowest price and a lot of cost avoidance and efficiencies and things like that, but there's a customer service element that's important as well. That's probably the perspective that I would bring. As a member of the board, it's really about governance. You're not involved in crafting these deals; it's about approving them, but I think some of the questions that I would be asking would be around how we're establishing a customer relationship and are we driving the efficiencies that we need to through the process.

Ms. Lisa M. Thompson: I appreciate your answer. Thank you.

The Chair (Mr. Lorenzo Berardinetti): Okay. Mr. McDonell?

Mr. Jim McDonell: We see the Auditor General identified a sole-sourcing contract for \$3.7 million, and then it was renewed without any competitive bids. We have an issue with that. In trying to develop value for the customer, we're committed—the PC Party, at least—to open tendering. We're just wondering what your beliefs are on that. Would you push for more competitive bids throughout the agency?

Ms. Debbie Baxter: My thought is that as I become more familiar with these details, when I'm actually on the board, I'll be more prepared to be familiar with these kinds of details. I think that it's important that an agency like this is adopting the appropriate principles; I expect that they are today, and I would continue to look for that in the future.

Mr. Jim McDonell: So maybe just a quick follow-up with that: You would push for open, competitive bidding and more transparency with your new role on the board. Is that a belief you have?

Ms. Debbie Baxter: I think it's a bit tough for me to commit to that without really having a chance to be familiar with their strategy and their mandate. I think that I would be very interested in doing what's right for the province and what's right for the agency and for its customers.

Mr. Jim McDonell: I'll just tell you, from a municipality—in my former role, competitive bidding was our only option, especially at a value of this amount. We wouldn't be allowed to choose a sole-source provider without going to the market first. Thank you.

Do we have more time?

The Chair (Mr. Lorenzo Berardinetti): Yes, there's still a little bit of time left.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll move to the NDP. Ms. Monique Taylor.

Miss Monique Taylor: Good morning, and thank you for being here with us today. I realize that you have the financial and the technical backgrounds, but also here I see that you have definitely been involved with environmental issues with the awards that you've received. I just want to know, with bringing both of those scopes together, what specific challenges do you feel are facing our water safety?

Ms. Debbie Baxter: My personal opinion is that water is one of the least-appreciated resources that we have currently, and that we almost take it for granted. I think that puts it in a particular risk area, that the general population doesn't perhaps value it to the same degree. I think that there are risks from that standpoint.

One of the things that I'm interested in participating in on this board is really that they have no particular mandate around conservation or anything like that, but their mandate is around safety and safe water. I am interested in seeing how we can bring to bear some of the new

technologies that exist to manage down some of the risks relative to safe water etc. I think those are the two reasons.

Miss Monique Taylor: We've been definitely hearing a lot about line 9 and the bitumen being transferred through our province. What are your thoughts on that and what those effects could have on our water supply systems?

Ms. Debbie Baxter: To be honest, I'm not familiar with that yet. I know that there is a process to get me up to speed on all of these issues etc. when I am able to join the board, but I'm not familiar with that issue at this point in time.

Miss Monique Taylor: Also, another question is our First Nations and our reserves and the water issues that they're facing. What are your thoughts on that?

Ms. Debbie Baxter: From the preparation that I've done to date, I know that the Clean Water Agency does have clients that are First Nation groups, so I think that there is a need for the same kind of sophistication of systems that we would deploy in any municipality across Ontario to be applied in those situations as well.

Again, I'm repeating myself, but I am excited about the opportunity to bring some of these new technologies to bear, especially in some of the more remote areas in Ontario.

Miss Monique Taylor: Just one more question, and then I'll pass it off to my colleague here. The opposition was asking questions regarding tendering out the process. My thoughts on that are, what is our consistency across the province to making sure that everyone has clean water and safe water, and that by tendering out to maybe the lowest bidder we might end up in situations like Walkerton. What are your thoughts on that?

Ms. Debbie Baxter: I think that those are some of the considerations that really need to be identified in each of these contract situations. I'm just not familiar enough with the files at the OCWA until I actually join the board to be able to really respond in detail. I do know that OCWA does have a mandate for the safety of water in Ontario, and so they do have the opportunity for that oversight and to provide the role that you're speaking to.

Miss Monique Taylor: Thank you very much.

The Chair (Mr. Lorenzo Berardinetti): Mr. Miller?

Mr. Paul Miller: Good morning. Thank you. It's quite an impressive resumé you have. Thanks for coming in.

As you know, water issues in Ontario are going to become a big player as the years go on, as you can appreciate. You're presently full-time employed?

0920

Ms. Debbie Baxter: I am.

Mr. Paul Miller: Okay. In the past—present company excluded—we've had problems sometimes with people making meetings and taking on responsibilities when they already have a full plate. How do you feel that you'll be able to accommodate the committee if an emergency meeting comes up? Are you going to be available to do what they require?

Ms. Debbie Baxter: I've discussed the time requirements with the chair of the board, Mike Garrett, and I am quite comfortable that I can manage those time requirements within my portfolio. I don't see any issues at all.

Mr. Paul Miller: Okay. Thank you.

The Chair (Mr. Lorenzo Berardinetti): We'll move to the Liberal Party. Mr. McNeely.

Mr. Phil McNeely: Thank you, Chair, and thank you, Ms. Baxter, for being here.

One part of your CV that I'm very interested in—I think the OCWA has been operating for many, many years, so they've got good people on contract and good people who know how to scope projects. They understand all the building and how the two have to come together, and make sure that the projects they put in place are ones that are economically feasible and that work, and that they don't get into a deficit position. But I think what must be missing on the board, and I think missing everywhere—and we're seeing that with the message that Obama is giving us. The Keystone project—that it's not proceeding until Canada gets their game together on the environment.

I like the work you've been doing on carbon reporting. You're an environmental architect for Canada's largest solar voltaic rooftop generation system, a registered corporate steward, a frequent guest speaker and author on "Creating the Business Case for Sustainability." Sustainability is of prime importance today. We cannot think as we did in the past.

I think the OCWA, like all groups, probably would need someone like you on their board. So could you go into some detail on what you've done from an environmental aspect, from sustainability, from looking at carbon as the issue that we have on this planet?

Ms. Debbie Baxter: Thank you for your question. For the past I would say about five years, I have been focused in the environmental area. At LoyaltyOne, we're very committed to that, so they have made significant investments. We operate an almost carbon-neutral operation. Our carbon is getting very close to zero. We're a marketing company, so that's not tremendous. If we were a resource company or something like that, that might be a tremendous accomplishment. It's not huge, but we are doing everything we can not only to minimize our impact but also to share that knowledge with our business partners etc.

Carbon is really the heart of that. We believe it's a significant challenge for our society today, and we've deployed a lot of different strategies. We've implemented a solar rooftop. We generate hydro back into the grid in Mississauga, enough to power about 16 homes in Mississauga at this point. We're not saving the planet all by ourselves, but we are making a dent. We also utilize carbon offsets for a lot of our operations. We do a lot of outreach to partners. Sometimes, if we're doing an event with a partner—as an example, a charity partner—we might offset that event as part of our contribution to that charity. So it's a variety of different things.

Sustainability is an emergent area. Five years ago, no one was talking about it. Now, it's becoming the topic of

many boardroom discussions. So it's an area where I feel quite comfortable in my ability to contribute to the OCWA.

Mr. Phil McNeely: I think the organization, the OCWA, would benefit certainly by your expertise.

Next question here.

The Chair (Mr. Lorenzo Berardinetti): Ms. Wong.

Ms. Soo Wong: Mr. Chair, how much time do I have?

The Chair (Mr. Lorenzo Berardinetti): About four minutes.

Ms. Soo Wong: Oh, good. I can ask a question.

Thank you so much for coming to today's hearings, Ms. Baxter. Can you share with the committee—because you have very diverse both corporate education and corporate-level experiences. Can you share with the committee what knowledge and skills you are able to bring to this agency? My second part to the question is, what do you see as some of the current challenges with this particular agency?

Ms. Debbie Baxter: I think that the most important skill that I can bring from my background is really the experience implementing some large-scale system implementation projects and getting all of the parties around the table to agree on the best path forward or the best solution.

I think that having a financial background is obviously helpful. There's a move from a best-practices standpoint to ensure that you have people on the board who have a strong financial background and are able to review the financial statements and do that kind of due diligence with the appropriate background and knowledge.

I feel that those are the two areas where I will really be able to contribute to the greatest degree.

In terms of the challenges that are facing the agency, I'm just not as familiar with the files as I will be, should I join the board and have the opportunity to become familiar with their files. But I do know that they are in the midst of a large process to change the technology to try and automate things. One example might be if you're in a northern community, a remote part of Ontario, someone needs to fly in and check on a particular water meter or water testing device. If that feedback could be automated, then it saves costs for the municipality around the flight and the transportation. It's much more constant feedback from that testing device, so it improves safety and improves efficiency.

I find those opportunities quite interesting. I think there's a real opportunity to do some very innovative things to improve the situation. But it's probably also a challenge at this point for such large projects of that nature to be implemented.

Ms. Soo Wong: Thank you very much.

The Chair (Mr. Lorenzo Berardinetti): Okay. That concludes our time for asking questions of Ms. Baxter. Thank you, Ms. Baxter, for being here today. You're now excused from the committee. You may wish to sit and watch the rest of the proceedings until we go in camera.

For the benefit of the members here in attendance, perhaps a brief summary of the concurrence vote would be of value—I'm just reading off a script here.

In brief, the vote on concurrence is simply that: whether the committee does concur or does not concur in the appointment. The committee does not have the authority under standing order 108(f) to prevent an appointment, merely to indicate whether it is in favour or not in favour of the appointment. If this committee votes that it is not in favour of the appointment, it may indicate the reasons as to why they are not in favour in the report, which will be sent to the House following the vote.

The committee also has the ability to defer the vote on concurrence if requested. However, any deferral may not be for more than seven days, making the deferred concurrence the first order of business at the next meeting of the committee.

We will now consider the concurrence for Ms. Debbie Baxter, nominated as a member of the Ontario Clean Water Agency.

Would someone please move concurrence?

Ms. Soo Wong: I'll do that, Mr. Chair.

The Chair (Mr. Lorenzo Berardinetti): Ms. Wong.

Ms. Soo Wong: I move concurrence in the intended appointment of Debbie Baxter, nominated as a member of the Ontario Clean Water Agency.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? None?

All those in favour? Opposed? That carries.

AGENCY REVIEW: WORKPLACE SAFETY AND INSURANCE BOARD

The Chair (Mr. Lorenzo Berardinetti): We will now be proceeding with our next order of business, and that is the continuation of the report writing.

Is there anything the committee would like to discuss before we go in camera? Mr. Miller?

Mr. Paul Miller: Yes, thank you, Mr. Chairman. As I approached you and told you, our party would like to move ahead today on our nine motions and vote on whether they'll be included in the report or not. We're going to move ahead with it. The other parties can do as they wish.

The Chair (Mr. Lorenzo Berardinetti): Mr. Dhillon.
Interjection.

Ms. Soo Wong: Can we have a recess? I haven't seen the report.

The Chair (Mr. Lorenzo Berardinetti): So what we're going to do—

Mr. Paul Miller: We can discuss what we've got.

The Chair (Mr. Lorenzo Berardinetti): Once we get to the report writing, I was planning to move for a five-minute recess so we could clear the room. We can discuss this issue in camera.

Is there a motion to move in camera?

Mr. Paul Miller: Mr. Chairman, the same as last week, can we include a staff member? That's still ongoing?

The Chair (Mr. Lorenzo Berardinetti): Is that okay with all three parties? Okay? Agreed. Mr. McDonnell?

Mr. Jim McDonell: We talked about reading these resolutions in, before we went in camera—or is it better to do it after? It doesn't really matter. It's up to the Chair. More efficient to do it now?

0930

The Chair (Mr. Lorenzo Berardinetti): I think the NDP did move their motions in—

Mr. Paul Miller: No, no, we're not moving to sit in camera, Mr. Chairman. We also want a recorded vote on sitting in camera or not.

The Chair (Mr. Lorenzo Berardinetti): Mr. Dhillon.

Mr. Vic Dhillon: I would suggest that perhaps the opposition does read their motions in before we go in camera.

Mr. Jim McDonell: We tabled them last week, and we just want to have them read so they're on record; that's all. It was suggested we would do it after, but it's more efficient since we're already here now and we're still in open session. We wouldn't have to call everybody back.

The Chair (Mr. Lorenzo Berardinetti): Okay. Any further discussion? So if you would like to move—

Mr. Jim McDonell: We're just going to table them, and we're just going to read them out. We tabled them last week—

The Chair (Mr. Lorenzo Berardinetti): Right now, before we go in camera.

Mr. Jim McDonell: Yes.

The Chair (Mr. Lorenzo Berardinetti): Okay. Then you have the floor, Mr. McDonnell.

Mr. Jim McDonell: Our first recommendation was that WSIB premiums are insufficient to cover arising liabilities—Bill 119 may compound the unfunded liability problem, rather than bring in extra revenue. This is an especially crucial consideration for the construction industry, as it is inherently riskier than many other WSIB-covered industries.

The committee requests that the draft report contain detailed cash flow and client load projections for the WSIB for the years 2013 to 2040 for both the current situation and a scenario where Bill 119 had not been implemented.

The Chair (Mr. Lorenzo Berardinetti): All right. Thank you, Mr. Pettapiece.

Mr. Randy Pettapiece: The goal of the WSIB should be to minimize the effect of injury upon a worker's quality of life, income and long-term well-being prospects.

The committee requests that the draft report contain historical data concerning injured worker re-entry into the workforce, specifically the change in the worker's average wage, the proportion of workers that rejoined the same employer and worker retention over one, three and five years following injury. Such data should include worker outcomes prior to the retraining program being returned to WSIB jurisdiction.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. Thompson.

Ms. Lisa M. Thompson: Worker compensation systems across the world utilize numerous policy options,

which include the availability of private insurers competing with state-backed agencies, different provisions regarding worker retraining and reintegration into the workforce and different medical eligibility criteria.

The committee requests that the draft report contain a comparative analysis of worker compensation systems in the following jurisdictions:

—other Canadian provinces;

—several US states, including at least two states with a single state monopoly over worker compensation;

—Australia and New Zealand;

—Germany, the UK and the Scandinavian countries.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. McDonell.

Mr. Jim McDonell: Current benefit eligibility creates a six-year threshold following which an injured worker's benefits are no longer subject to review.

The committee requests that the WSIB provide data regarding the incidence of claims being reviewed after five years of benefit payments and the outcome of such reviews.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Pettapiece.

Mr. Randy Pettapiece: The WSIB is currently the sole insurer for all conditions and injuries arising in the workplace. It is imperative to identify areas where private insurers can be expected to provide reasonable coverage.

The committee requests the WSIB provide, for each condition and injury, a breakdown of claim incidence (claims per 1,000 workers), total annual number of claims, average annual claim cost and average benefit duration.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. Thompson.

Ms. Lisa M. Thompson: Two last bullet points: Ontario is not the first jurisdiction to face worker compensation challenges, and it will not be the last.

The committee requests that the draft report contain a summary of worker compensation reforms within the past 30 years in the OECD that aimed to tackle either revenues or expenditures or both in order to achieve long-term financial sustainability.

Lastly, the task of promoting safety in the workplace was transferred to the Ministry of Labour in 2012 except certain programs such as Workwell, which focuses on injury-prone employers.

The committee requests that the draft report contain a summary of Workwell initiatives and inspections in the last five years and the WSIB's planned role for the program over the next 10 years.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. McDonell?

Mr. Jim McDonell: We also have two resolutions to read in. We have copies that we can pass around.

The Chair (Mr. Lorenzo Berardinetti): Do you want to give them to the committee Clerk? Thanks. She'll pass them around.

Mr. Jim McDonell: The following recommendation be added as an official opposition recommendation under the heading "Bill 119":

"The committee recommends the government and the WSIB suspend the implementation of Bill 119 until such time as the long-term financial impact of the legislation on the WSIB's unfunded liability is fully understood. Should the potential impact be negative, the committee recommends the government and WSIB not implement Bill 119."

The Chair (Mr. Lorenzo Berardinetti): Mr. Pettapiece?

Mr. Randy Pettapiece: Thank you. The following recommendation be added as an official opposition recommendation under the heading "Workforce coverage":

"The committee recommends the WSIB begin immediate negotiations to transfer part of its covered conditions and industries to a competitive regimen of private insurance. The committee recommends the WSIB state to the Minister of Labour the coverage and service standards private insurers shall abide by, and the minister implement such standards by regulation."

The Chair (Mr. Lorenzo Berardinetti): Thank you. Ms. Thompson?

Ms. Lisa M. Thompson: No, that's it.

The Chair (Mr. Lorenzo Berardinetti): Okay, thank you. Any further recommendations?

At this point, I guess, we will take a five-minute recess to go in camera. Mr. Miller, I think you—

Mr. Paul Miller: I just want to go on record as being opposed to going in camera. I mean, I will sit here, because you've allowed our staff member. But just from a technical point of view, I'm opposed to in camera, in general. It's just a personal thing.

The Chair (Mr. Lorenzo Berardinetti): Okay. Just one moment.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Thank you for that. Do we have a motion to go in camera? Thank you, Mr. Pettapiece.

All those in favour? Opposed? That carries.

We will now recess for five minutes, to clear the room, so that we can go in camera to discuss the report.

Interruption.

The Chair (Mr. Lorenzo Berardinetti): If I can just reply to you briefly: We're not debating yet. We're just creating a report.

Mr. Randy Pettapiece: Excuse me, Chair?

The Chair (Mr. Lorenzo Berardinetti): Mr. Pettapiece.

Mr. Randy Pettapiece: There's no debate with this, sir, respectfully.

The Chair (Mr. Lorenzo Berardinetti): There's no debate today. We're just creating a report, then we debate that afterwards.

Interruption.

The Chair (Mr. Lorenzo Berardinetti): To make it informal and to allow us to work on the report.

Interruption.

The Chair (Mr. Lorenzo Berardinetti): Yes. I can have a word with you, but there was a motion to move in camera. Then we can explain to you why, and if anyone else has a question, we can explain to you why.

There's no attempt here to cover anything up. This is done with every different commission or board or agency—just to move in camera when there's a report being created. There are no decisions being made. We're just creating a report.

Mr. Miller?

Mr. Paul Miller: Mr. Chairman, if you remember, I'll reiterate that I did request a recorded vote on going in camera or not.

The Chair (Mr. Lorenzo Berardinetti): That was held.

Mr. Paul Miller: But you didn't have a recorded vote. You just said "yea or nay," and we voted against it, but you didn't say individual members.

Interjections.

Mr. Paul Miller: You always mention individual members.

Mr. Vic Dhillon: You can't have it both ways.

Mr. Paul Miller: That's not both ways—"Mr. Dhillon, Ms. Wong"—

The Chair (Mr. Lorenzo Berardinetti): Okay, let's just recess for five minutes, then we'll take the vote if necessary. We'll just take a quick recess and then we'll take the vote, okay? Thank you.

The committee recessed from 0940 to 0950.

The Chair (Mr. Lorenzo Berardinetti): Okay, just to make it clear: We did vote earlier, Mr. Miller, on whether or not to go in camera. We decided that we would go in camera, and I know that you opposed it. Do you want this to be a recorded vote this time?

Mr. Paul Miller: If it's possible, yes.

The Chair (Mr. Lorenzo Berardinetti): Okay. Can someone move that we go in camera? Anyone want to move that we go in camera?

Mr. Vic Dhillon: We've already voted on this.

The Chair (Mr. Lorenzo Berardinetti): Yes, well, we did vote on it. I was just trying to explain. It wasn't a recorded vote, though we voted on it. Mr. Miller has asked that we have a recorded vote.

Mr. Vic Dhillon: Wouldn't that be out of order?

Ms. Soo Wong: We're reopening the whole vote. It doesn't make sense.

Interjections.

Mr. Paul Miller: You know what, Mr. Chairman? It wasn't done the right way the first time, but let it go, because it's obvious people saw what happened. Let it go.

The Chair (Mr. Lorenzo Berardinetti): Okay, so we're now in camera.

The committee continued in closed session at 0950.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Mr. Randy Pettapiece (Perth–Wellington PC)

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**Legislative Assembly
of Ontario**

Second Session, 40th Parliament

**Assemblée législative
de l'Ontario**

Deuxième session, 40^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 14 August 2013

**Journal
des débats
(Hansard)**

Mercredi 14 août 2013

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Wednesday 14 August 2013

The committee met at 1005 in room 151.

SUBCOMMITTEE REPORTS

The Vice-Chair (Mr. Joe Dickson): Good morning, everyone. Welcome to the meeting of the Standing Committee on Government Agencies. Before we begin our intended appointments review, our first order of business is to consider a number of subcommittee reports.

The first subcommittee report is from June 13, 2013. Would someone please move the adoption of the report?

Mrs. Laura Albanese: Chair?

The Vice-Chair (Mr. Joe Dickson): Thank you. Discussion? All in favour? All opposed?

Mrs. Laura Albanese: Shouldn't I say, "I move adoption of the subcommittee report on intended appointments"—

The Vice-Chair (Mr. Joe Dickson): Are you going to read everything in? Okay.

Mrs. Laura Albanese:—"dated June 13, 2013?"

The Vice-Chair (Mr. Joe Dickson): Thank you. Good to see you, Laura. Discussion—I think I asked, "In favour?" I think everyone has voted in favour. Opposed? The motion is carried. Thank you.

The next subcommittee report is from June 20. Would someone please move the adoption of the report?

Mrs. Laura Albanese: I move adoption of the subcommittee report on intended appointments dated June 20, 2013.

The Vice-Chair (Mr. Joe Dickson): I can flip a coin between Mr. Miller and Ms. Albanese. Discussion? Are you going to read it? You've read it.

Mrs. Laura Albanese: I've read it.

The Vice-Chair (Mr. Joe Dickson): Okay. Thank you. Discussion? All in favour? All opposed? The motion is carried. Thank you.

The next subcommittee report is from July 4, 2013. Would someone please move adoption of the report?

Mr. Paul Miller: I'd like to move that one. I move that.

The Vice-Chair (Mr. Joe Dickson): Mr. Miller has moved that. You're not reading it?

Mr. Paul Miller: You want me to read number 3?

The Vice-Chair (Mr. Joe Dickson): No. Go ahead, sir.

Mr. Paul Miller: I think you mentioned number 3. Okay, I'll read it if you like: report of the subcommittee on committee business dated Thursday, July 4, 2013.

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mercredi 14 août 2013

The Vice-Chair (Mr. Joe Dickson): Just the date is fine. Discussion? All in favour? All opposed? The motion is carried. Thank you.

Our final subcommittee report is from July 25, 2013. Would someone please move adoption of the report?

Mr. Paul Miller: Conservatives, get in there.

Mr. Jim McDonnell: I move that the subcommittee report dated Thursday, July 25, 2013, be approved.

The Vice-Chair (Mr. Joe Dickson): Discussion? All in favour? All opposed? The motion is carried.

Just before we begin with our intended appointments review, there are two intended appointees who are unable to make it to today's meeting. They are Yvonne Boyer, nominated as member, Champlain local health, and the other one is Shannon McManus, nominated as a member of the Pay Equity Hearings Tribunal. Both appointees are from the July 19, 2013, certificate, and the time frame for the committee's consideration of their appointments expires this Sunday, August 18, unless we have unanimous agreement to extend the deadline. I will read them to you individually.

Interjection.

The Vice-Chair (Mr. Joe Dickson): Sorry, is there a question of the Chair?

Miss Monique Taylor: Yes. Who was calling them before the appointments?

The Vice-Chair (Mr. Joe Dickson): Sorry?

Miss Monique Taylor: I was just wondering who had called them before the appointments, or had it gone to that part yet?

The Vice-Chair (Mr. Joe Dickson): The official opposition has done that.

Mr. Paul Miller: When will they be appearing before the committee if we extend it?

The Vice-Chair (Mr. Joe Dickson): Sorry?

Mr. Paul Miller: What date? September 30?

The Vice-Chair (Mr. Joe Dickson): If I read this, as I've requested to do, I can answer those questions.

Mr. Paul Miller: Feel free.

The Vice-Chair (Mr. Joe Dickson): Thank you. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Yvonne Boyer, intended appointee as member, Champlain Local Health Integration Network, to September 30, 2013? All in favour?

Mr. Phil McNeely: Agreed.

The Vice-Chair (Mr. Joe Dickson): Agreed. Thank you.

The second one is looking for unanimous agreement to extend the deadline to consider the intended appointment of Shannon McManus, intended appointee as member, Pay Equity Hearings Tribunal, to September 30, 2013.

Do we have unanimous agreement on that? We do? We do. Thank you.

1010

INTENDED APPOINTMENTS

MS. JOANNA SMITH

Review of intended appointment, selected by official opposition party: Joanna Smith, intended appointee as vice-chair, Workplace Safety and Insurance Appeals Tribunal.

The Vice-Chair (Mr. Joe Dickson): We will now move to the appointments review. We have six intended appointees to hear from, four this morning and two in the afternoon. We will consider all concurrences this afternoon at the completion of all of the interviews.

Our first intended appointee today is Joanna Smith, nominated as vice-chair, Workplace Safety and Insurance Appeals Tribunal.

Please come forward and take a seat at the table, Ms. Smith. Welcome, and thank you very much for being here. You may begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions. When we get to it, questions will commence with the third party.

Welcome, Ms. Smith.

Ms. Joanna Smith: Thank you. Good morning, Mr. Chairman and committee members. Thank you for allowing me the opportunity of appearing before you this morning in respect of my intended appointment to a part-time vice-chair's position at the Workplace Safety and Insurance Appeals Tribunal.

As you are likely aware, if you've had a chance to review my resumé, I am a practising lawyer. I was called to the bar in 2008 and have been practising in employment and labour law since 2009.

The Vice-Chair (Mr. Joe Dickson): I'm sorry, Ms. Smith. Could I get you to move a little closer to the mike? That's good.

Ms. Joanna Smith: Is that better?

The Vice-Chair (Mr. Joe Dickson): You have such a great voice; I want to be able to hear it.

Ms. Joanna Smith: Thank you very much.

The Vice-Chair (Mr. Joe Dickson): Thank you very much.

Interjections.

Ms. Joanna Smith: Okay, you threw me off.

As I was saying, I've been practising in employment and labour law since 2009. Before being called to the bar, and during my licensing process, I articulated in the tribunal

counsel's office at the WSIAT and was lucky enough, after completing my articles, to continue on at the tribunal in a lawyer position, filling a mat leave contract until early 2009.

Just to fill you in a little bit, the role of the articling student at the WSIAT, as you may or may not know, and that of the lawyers generally in the tribunal counsel's office, is to support hearing panels and vice-chairs in an on-the-record capacity in cases where the legal issues involved are novel and/or quite complex.

The support to the panels and the vice-chairs is provided through a number of functions, including through research and written submissions; attendance at hearings to provide oral submissions; questioning witnesses in hearings, from a neutral, investigative perspective, with an aim to eliciting the facts and best evidence necessary for the panel to make a properly informed decision; and through case management generally, in the processing of appeals, which routinely involves not only communicating with unrepresented parties—and by that I mean both workers and employers—but it often also involves dealing with parties who are in highly emotional states and who are trying to navigate an extremely complex process.

My point, really, in getting into the details of the work at the tribunal counsel's office in so much detail is to underscore that, for me, even early on in my path towards working in law, I was afforded the opportunity of gaining on-my-feet experience, even as a student. I had experience in hearings and dealing with parties right from the outset, all of which I believe helped to form a solid foundation from which I could somewhat now naturally move into a vice-chair's position, should I have the privilege of being appointed.

As I said, I currently practise as a lawyer in a small firm.

Maybe I'll just backtrack to something that's not in my resumé, because it was such a brief period of time, but before joining the law firm in 2009, I worked for a few months for a lawyer who practised exclusively in employer-side workers' compensation matters. I was in a neutral position at the tribunal, but in terms of advocacy on WSIB matters, my experience was primarily with an employer-side lawyer.

I then began working, as I said, at a small firm in Hamilton in 2009. Our firm focuses pretty much exclusively on employment and labour law. Because it's a small firm, again, I was fortunate to have been thrown into the water almost immediately upon being hired, and from the outset have routinely attended on behalf of clients in arbitrations, at Superior Court on motions, and at pretrials. I've attended settlement conferences and mediations. I've appeared before the Human Rights Tribunal of Ontario and at both labour boards: the Ontario Labour Relations Board and the Canada Industrial Relations Board. I have conducted some trial work in Small Claims Court and appeared before the federal Court of Appeal.

On the labour law side, our firm represents only unions. However, on the employment law side, although we primarily represent employees in wrongful dismissals and related claims, we also have a few employer clients as well. So I've had some experience on both sides of the table, so to speak, both in hearings and in mediations.

The other thing that's probably apparent from a review of my resumé is that law was a career change for me. I have a master's degree in social work. I graduated from the University of Toronto in 1986 and, prior to returning to school to pursue a career in law, worked in child welfare for a couple of years upon graduation with my master's degree.

Beginning in 1991, for almost 14 years, I worked for Family Services of Peel in each of its Brampton, Mississauga and Caledon offices over the course of my employment with the agency. I began work with Family Services as a counsellor, working part-time while my kids were small, and eventually took on a secondary role of information systems coordinator. I remained in both of those roles until I returned to school in 2004.

As a front-line counsellor, just to give you a sense of what I was doing, I worked with individuals, couples and families who were coming to the agency voluntarily for counselling, and with presenting issues such as depression, other mental health difficulties, couple difficulties, sexual abuse, and other forms of domestic violence, and, through individual counselling, primarily I worked with clients who were both victims and perpetrators of such violence.

Ultimately, I believe the culmination of my 30-plus years of educational and professional experiences both in the practice of law and as a social worker would serve me well as vice-chair of the WSIAT.

The tribunal's hearing process, as you may well know, is meant to be an investigative one, aimed at properly interpreting and applying the law and quite complex legislation, I might add, to cases which are often similarly complex and where parties are often unrepresented and unfamiliar with the appeal process and hearing procedure.

I'm confident that my background would serve me well in taking on such a role, facilitating communication and the implementation of proper procedure as well as applying and interpreting the law to come to a just decision based on the merits of each case, and, through that role, to assist in maintaining the excellent reputation and near-perfect record the tribunal enjoys.

I know first-hand, from having worked there, of the painstaking care which is taken throughout the tribunal to preserve the fairness and sanctity of the adjudicative process, and the responsibility with which it is entrusted, and I believe that I can make a positive contribution to that responsibility were I to have the honour of being so appointed.

Thank you. Those are my comments. I'd be happy to answer any questions you may have.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. I would now commence questioning with the third party.

Miss Monique Taylor: Thank you. Good morning.

Ms. Joanna Smith: Good morning.

Miss Monique Taylor: Thanks for being here with us today. We definitely appreciate your time and coming before the committee. It's an important matter. As I'm sure you would agree, it's an important process of our WSIB system. We know, with the complexities of cases that are before many of our offices, that the tribunal definitely falls into a lot of that role.

I'm curious to know what you feel that you could bring different to the table there and how you feel that you could help move those cases through, because we're definitely in a backlog.

1020

Ms. Joanna Smith: Right, and I do know of the backlog—not intimately. I haven't been involved directly with the tribunal since leaving in 2009. I guess I would see my role as getting my hands dirty, getting in there and trying to move cases through. I understand that part of the issue is not only the volume of appeals but also a shortage of vice-chairs, so I would see it as my role to try and get in there and move some cases through as expeditiously as possible.

Miss Monique Taylor: Okay. I'm sure you're quite aware of Professor Arthurs's recommendations. I would like to know your thoughts on those recommendations, and would you be interested in implementing those recommendations?

Ms. Joanna Smith: I'm actually not familiar with Professor Arthurs's recommendations. I apologize. But in terms of—well, I won't guess at what they are, but I would—

Miss Monique Taylor: How about, for instance, restoring full indexation?

Ms. Joanna Smith: I guess I would see the vice-chair's position as not a policy one. It's about processing the appeals as they come; it's an adjudicative position. In terms of policy, that role belongs to the chair of the tribunal. My influence, if any, would only be to the extent that I would report to him on any issues that might arise in terms of the processing of appeals and the process. But beyond that, I don't see it as my role in a vice-chair's position.

Mr. Paul Miller: Good morning.

Ms. Joanna Smith: Good morning.

Mr. Paul Miller: I do believe you would take part in that process as vice-chair.

Ms. Joanna Smith: It may be that I'm unfamiliar with what we're talking about.

Mr. Paul Miller: I've got a couple of questions for you. Do you agree with restoring the value of the eroded benefits of injured workers?

Ms. Joanna Smith: Again, from a policy perspective, my role, I guess, would be to interpret and apply the legislation, as opposed to influencing a change in the direction of the legislation.

You're not agreeing with me; I can see that.

Mr. Paul Miller: No.

Ms. Joanna Smith: Maybe it's a naive perspective from where I have sat or where I sit now, but as I saw it, the role of the vice-chair was, as I said, to, as expeditiously as possible, move through the appeals that are before them and to bring any issues to the forefront.

Mr. Paul Miller: Okay. I've got some more questions, and obviously you won't be able to answer them because you're not familiar with it. But you realize that in your position as vice-chair you'll play an active role in a lot of policy requests and changes that will come forward for legislative changes. You'll certainly have an influence on that, and that would be an important part of your role. So I'm hoping that—

Ms. Joanna Smith: Better brush up.

Mr. Paul Miller: Well, you might want to do some homework. But the bottom line is, I think you have a lot of experience and I think that you bring to the table both sides, the management as well as the union side, and that's a good thing. Obviously you're a quick learner. That you went back to school and got a law degree that quickly is obviously impressive. So other than brushing up on what we'd like to see in the Arthurs report, I don't have a problem with your appointment.

Ms. Joanna Smith: Thank you.

Miss Monique Taylor: How much time do we have left?

Mr. Paul Miller: Ten minutes. We get 10 minutes, right?

The Vice-Chair (Mr. Joe Dickson): You have 10 minutes; you still have—

Mr. Paul Miller: A couple of minutes?

The Vice-Chair (Mr. Joe Dickson): Five minutes, 57 seconds left, unless you'd like to pass that on.

Miss Monique Taylor: Thank you. No, no. I'm happy to speak further about the wait times that folks are feeling when they have issues, or they've been on WSIB for years and now changes are coming and they're being denied access to certain medications or to certain physiotherapies or things that they have needed for so many years on WSIB, and now they're being forced back into the system of arguing on a regular basis and being sent back to the tribunal. What are your thoughts on all of these many, many cases?

Ms. Joanna Smith: I don't know the reasons for the backlog at this point, but just to clarify, there's a division between the WSIB and the tribunal. The processing of the claims at the WSIB may be backlogged for its own reasons, versus what happens at the tribunal, which is now at the stage where it's appealing what happened at the WSIB. So there's not generally—or not in my understanding—a return to the tribunal. Once you're at the tribunal, this is the last level of appeal.

Certainly, while I was there, we would hear frustration about dealing with the process and, you know, the best that any of us can offer in a front-line capacity is to say that we are going to be—again, I hate to be repeating myself—as conscientious about dealing with the matters

before us as we can be and moving them through as expeditiously as we can. But in terms of the handling at the WSIB, again, that's not within the jurisdiction or the domain of the tribunal, so I can't speak to that. Within the tribunal I guess all I can speak to is what I have just said, that my role would be to be getting my hands dirty, getting in there and trying to get the appeals moving.

Mr. Paul Miller: How do you feel about ad hoc indexing?

Ms. Joanna Smith: Okay, so I'm going to answer—I mean, I'm going to end up feeling really stupid reading this transcript at the end of the day, but I'm not familiar with what you're referring to, and I think it's outside the purview of a vice-chair's position. It's up to the chair to be working on the broader policy issues.

Mr. Paul Miller: Okay. Thank you.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. We will then go on to the government side; you have—what is the time?—three minutes and 30 seconds.

Mrs. Laura Albanese: Thank you, Chair. Good morning.

Ms. Joanna Smith: Good morning.

Mrs. Laura Albanese: Welcome to our committee.

Ms. Joanna Smith: Thank you.

Mrs. Laura Albanese: I wanted just to ask you, how did you hear about this position, that it was available at the tribunal?

Ms. Joanna Smith: My former boss and principal at the tribunal, Dan Revington, sends me—sends us all—Christmas cards each year. Last year he sent me a Christmas card telling me about the backlog and saying, if I ever was interested, that there would be a time coming that they would be looking for part-time vice-chairs. I was interested; I applied online. I saw the position advertised online. I applied, I wrote the exam—there's an exam—and then met with the chair in an interview, and now here I am.

Mrs. Laura Albanese: I guess the next question is—and you've answered it partially before but maybe you can expand a little bit on it—how do you believe that your past experience would help you in your new role? You did mention the backlog, so you certainly seem keen to help in that regard, but how do you think your previous experience will specifically be of help in this new role?

Ms. Joanna Smith: I guess in both of my past experiences in law and in social work, first of all dealing with upset people, communicating with upset people, that being a routine part of my work, and having also done that at the tribunal, I think that there's an issue in adjudicating—maybe “issue” isn't the right word. It's a unique forum to be adjudicating matters with unrepresented parties. So I believe that I would have skill in processing those hearings and adjudicating those matters, partly or assisted by the fact that I have quite a few years—a lot of years, too many years to count—of working through issues with people, as I was saying, in emotional states, dealing with highly emotional matters, and

getting the process focused notwithstanding the emotional atmosphere that comes with that.

That's number one, and I think number two, having worked at the tribunal, you become accustomed to really digging into complex law and nitty-gritty law, reading over and over and applying and interpreting from a neutral perspective, which is what my role was at the tribunal. I think that I can hit the ground running with that skill already in place.

Mrs. Laura Albanese: Thank you. I don't have any further questions, but my colleague—

The Vice-Chair (Mr. Joe Dickson): You have half a minute left.

Mr. Mike Colle: Yes, I just want to say how impressed I am by your career.

Ms. Joanna Smith: Thank you.

Mr. Mike Colle: I've never met you before, and the fact that you went back to get your law school, raised a family—

Ms. Joanna Smith: Humbling, let me tell you.

Mr. Mike Colle: I don't know where you get the strength. But anyways, thank you for offering your experience, education and life experiences to the people of Ontario.

Ms. Joanna Smith: Thank you very much.

Mr. Mike Colle: I was very impressed with your background just on what I've heard. Thank you.

Ms. Joanna Smith: That's very nice of you to say. Thank you very much.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. We will now go to the official opposition for 10 minutes.

1030

Mr. Jim McDonell: Thank you for coming out today. We talked somewhat about the backlog. Do you see any light at the end of the tunnel to get those numbers down, or what can you see that you might be able to do to get them down? I guess the objective is 4,000, so we're 50% above that objective now.

Ms. Joanna Smith: In all honesty, I don't know the reason why there is such a backlog at this point in time. I know that historically there's always an issue in terms of trying to get cases processed, both at the board and at the tribunal. Without knowing the reasons, and with having limited power over what happens in terms of addressing the backlog, I couldn't give an estimate or even a projection about what might happen beyond what I could contribute myself, personally, which is to try and get things going.

Mr. Randy Pettapiece: Considering your numerous achievements in labour organizing, is it fair to assume that you have a very strong idea as to which direction the WSIAT should be taking in the future? This will have to be weighed against the normal fiscal challenges that the WSIB is facing right now, and the Ontario government as a whole. Do you have some idea of how you can balance these two interests?

Ms. Joanna Smith: Balance the issues between—
Interjection.

Mr. Randy Pettapiece: Pardon me?

Ms. Joanna Smith: Sorry?

Interjection.

Mr. Randy Pettapiece: The WSIB has some really interesting fiscal challenges, if I can put it that way, as does the government, and yet we see that different organizations—labour and other organizations—continually want more and more. Now, we have to be fair about this whole thing, but there are some very serious fiscal challenges involved in these organizations. I just wonder if you have any ideas on that.

Ms. Joanna Smith: I really don't. Again, it's one of those broader policy issues that—again, I would say there's a division between the tribunal and the—not a division as in a split, but they're two separate entities, so the issues that go on at WSIB would be far removed from me. I didn't ever work there, and I have no idea what their internal workings are. The tribunal—I mean, I was a front-line kind of person, and that's what I anticipate this position being, if I'm lucky enough to be in it.

Again, I don't know the inner workings. I don't know what the chair is dealing with in terms of managing money and dollars, so I don't have an opinion on how that should go.

Mr. Randy Pettapiece: Okay. Thank you.

Ms. Lisa M. Thompson: Thank you for being here.

Ms. Joanna Smith: Thank you.

Ms. Lisa M. Thompson: Given your anticipation of moving into the vice-chair role, I'm sure you have ideas and concepts you'd like to bring to the table to put your stamp on your vice-chair role. Have you given some thought to that? What direction, what influence, what impact would you like to be known for, once your term is completed?

Ms. Joanna Smith: It may sound a little Pollyanna, this answer, but honestly, the people who work at the tribunal are of a calibre that you cannot imagine if you're not there. I think my mark would essentially be to fit in and follow in the footsteps of those who are there and those who have come before me. It's an extremely high standard, in terms of the decisions that come out. I believe there is only one decision, in all of its years, ever finally overturned.

It takes pride, as does everybody who works there, in the fact that it's carefully, as I said, painstakingly preserving—the intent on the part of everybody there is to preserve the sanctity of the adjudicative process, making sure that procedural fairness is in place and that people are afforded the opportunity of getting their hearing—both sides, workers and employers. I mean, the impact on employers is equally as significant as it is to workers who are dealing with their benefit claims.

My mark would be to be able to come away and say, "I'm just like"—I won't name names, because then I'll be leaving others out, but the gurus, who are incredible people in terms of adjudicating and producing decisions that are beyond compare.

Ms. Lisa M. Thompson: Okay. All right. Thank you.

Miss Monique Taylor: Do I have—

The Vice-Chair (Mr. Joe Dickson): I'm still with their time.

Mr. Jim McDonell: In your role as vice-chair, generally the interaction with the chair is significant, just by the nature of the role. Do you have any insight into just how that role might play out with the chair? What do you see as your role as you move into this position?

Ms. Joanna Smith: Honestly, what I anticipate, and this could be wrong, is almost being back to my counseling days. The chair is, in effect, my supervisor, and in social work you have a supervisor; you meet regularly to talk about the cases, the processing of cases and the difficulties. I would see the chair as that role and my interaction with the chair being along that line: talking about the difficulties I am facing, the things I don't know how to deal with, the challenges that are coming up in hearings, that kind of thing, and certainly to bring to the table and to his attention anything that I see that may or may not be working, although at this point I have no idea what that might be—but in terms of procedure that's not playing out well or is creating obstacles. I guess I would see it as that, almost like a social work supervisor in terms of managing day-to-day hearing issues, issues with processing the appeals.

Ms. Lisa M. Thompson: Joe?

The Vice-Chair (Mr. Joe Dickson): Yes, Ms. Thompson.

Ms. Lisa M. Thompson: Mr. Chair—pardon me. Thank you.

I have a question, kind of a broader-based question for you. You're being entertained for vice-chair of a tribunal. When you're in that role, you look at what other tribunals are doing and facing and experiencing. What's your position on the province challenging a final decision of a tribunal?

What I'm specifically talking about is that the Ministry of the Environment is not agreeing to an environmental tribunal decision for Ostrander Point, and essentially, in a nutshell, you could sum it up by saying the province is taking the province to court to overturn a final decision.

How do you feel about that, when you're taking on a role within a tribunal and ultimately your decision may not be final if it's not what the government likes?

Ms. Joanna Smith: I don't know of what you're speaking. Again, here I am, you know—anyway. So I can't comment.

Ms. Lisa M. Thompson: But hypothetically?

Ms. Joanna Smith: But hypothetically, I can't see how that would happen at the tribunal. What happens is, you make a decision, one of the parties doesn't like it, and they apply for reconsideration or a judicial review, and it's up to a court to finally overturn.

I think that, as a vice-chair, you're always in the position of potentially writing a decision that may be reviewed, and that's a good thing. Accountability is a good thing. It's a nerve-wracking thing as well, I'm sure, but as much as I say it's a near-perfect record and I want to be a part of that near-perfect record, I don't mind the

fact that there's a broader process available to make sure that I've written the proper decision and that I've found the correct—

Ms. Lisa M. Thompson: To your point, the best of the best, the gurus, are chosen to be on tribunals, given their experience and background that they bring to the table. Do you think it's right that a government should challenge the final decision of a tribunal?

Ms. Joanna Smith: I can't answer that. In my mind it's completely hypothetical, so I don't have an opinion on it.

The Vice-Chair (Mr. Joe Dickson): To the official opposition. You have one minute and 20 seconds left.

Mr. Jim McDonell: Okay, thank you.

In your own words, you talked about not being familiar with the internal workings of the board. How do you see your role and how do you see—I guess you're lacking experience in those operations. Working towards the role of vice-chair, it is an important role. It's basically bringing the individuals who are on the board together and trying to, I guess, lead them forward, trying to move through the backlog of cases.

Ms. Joanna Smith: Again, I would be deferring to the chair. I would see it as the chair's role and job to be working with those at the board to deal with the broader issue of the backlog and ways to manage that. As the vice-chair, my job would be to be hearing appeals, deciding appeals. In terms of the broader policy issues dealing with the backlog, I would be there to get my hands dirty and do the front-line job to the best of my ability—which is essentially what I see it as, as a front-line position—and to be identifying any areas where I think there are gaps. But other than that, I think it's up to the chair to be working on how to—

The Vice-Chair (Mr. Joe Dickson): Thank you. That will conclude the time that we have allocated for this interview. Thank you very much, and you may step down. Everyone certainly listened intently.

Did you have a question of the Chair?

Miss Monique Taylor: Did I have a few minutes left? Am I allowed to use them or no?

1040

The Vice-Chair (Mr. Joe Dickson): No, you've used them.

Miss Monique Taylor: I've used the full 10? And am I allowed to come back again?

The Vice-Chair (Mr. Joe Dickson): Once you've finished your time frame, that time frame is, according to the rules and regulations—I only do what I'm told.

Miss Monique Taylor: All right. I was just clarifying. It has been a long summer. Thank you, Chair.

The Vice-Chair (Mr. Joe Dickson): Thank you very much for appearing, Ms. Smith.

Ms. Joanna Smith: Thank you.

The Vice-Chair (Mr. Joe Dickson): Thank you, fellow members.

MRS. MARIA VAN BOMMEL

Review of intended appointment, selected by third party: Maria Van Bommel, intended appointee as member, Agricorp.

The Vice-Chair (Mr. Joe Dickson): Our next intended appointee for today is—and I don't know if I can pronounce this correctly—Maria Van Bommel, nominated as a member of Agricorp. Please come forward and take a seat at the table. Welcome, and thank you very much for being here.

You may begin with a brief statement if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions. Questioning will start on completion of your presentation, Ms. Van Bommel, with the government.

Thank you, and welcome.

Mrs. Maria Van Bommel: Thank you very much, Chair, and thank you for pronouncing the name properly; I do appreciate that a great deal.

Good morning to everyone. My name is Maria Van Bommel, and as many of you will already know, I am the former member of provincial Parliament for Lambton–Kent–Middlesex. But today, I appear before you as an applicant for a position on the board of Agricorp.

Having been a member of this committee in the past, and certainly from this perspective, it's quite different than having sat in your respective places. But I do know that, as the Chair has said, every party has an opportunity to ask questions and make comments. I will do my best to deal with those questions to the best of my ability and, I hope, to your satisfaction.

Sitting here, I clearly remember when other former MPPs would come before this committee. As politicians, we're naturally cynical about why people do the things they do, so I want to talk to you about my motivations for wanting to serve on this board and why I believe I am qualified to do so.

After the 2011 election, I spent my time reintegrating myself back into my family. Some of you will know that I have a fairly extensive family, including 13 grandchildren. I think for most MPPs, everyone is committed to their families, but when you go back in after being an MPP, you do need to find out how you fit back into that family situation because, as much as you want to be a part of their lives, you are not always there. So it took a while before I felt that I was ready to move on any further. But having said that, I feel that former MPPs still need and want to have some personal growth and so they desire to continue to contribute to their respective communities, especially in areas that they have an interest in or where they have something that they can contribute and bring something of value to that.

You have before you my application, which I submitted in November of last year, in response to an ad on the Public Appointments Secretariat website. My involvement in agriculture started long before I was married to a farmer. My father was a farm equipment dealer, and as a

child I was aware of the dependence of the rural economy on the financial success of its farmers.

Government programs, like those delivered by Agricorp, have always been a necessary part of food production. But I can also tell you that there is a great deal of benefit to the rest of the community that comes out of supporting our farmers. Agriculture is why I got into politics in the first place. Over the years of being a farmer, being a participant in agricultural organizations, being on a rural municipal council, as well as being involved and employed in the industry, I felt—as many farmers do—that farming is not well represented or well understood when decisions and practices are being developed that will impact not only the industry as a whole but the individual farmers.

My application has a list of my past experiences as a farmer and member of the agricultural community and now, with my husband and my son, in the next generation of our farm.

I can add to that list of qualifications the fact that I now have a new skill that I can offer to the farm community. I know from first-hand experience the workings of government, both at the political and bureaucratic levels, and I feel that has value that can be had for the clients of Agricorp.

I hope you will judge my proposed appointment in the light that my application is intended, as a contribution to the agricultural industry for its betterment and financial sustainability.

Thank you for your time, and I look forward to your questions and comments.

The Vice-Chair (Mr. Joe Dickson): Thank you very much, Ms. Van Bommel. There are five minute and 23 seconds left, and we will defer to the government, commencing with Ms. Albanese.

Mrs. Laura Albanese: Thank you, Chair, and welcome back, Maria, to the Standing Committee on Government Agencies, from a different perspective. It is nice to see you.

I do recall that you never failed to bring forward the farmer's perspective when you were an MPP, in your speeches in the House. I want to thank you for helping me, as an urban MPP, to gain insight many times into the issues faced by the farmers' sector.

I obviously know about your family and your background as a poultry farmer, as a pork producer, with your husband, René, and your family. But I wanted to ask you, what are the challenges that you see, the most important challenges that are being faced right now by Agricorp, which is the agency that you are applying to, that you're seeking a position with? In the future, what are the main challenges?

Mrs. Maria Van Bommel: Well, Agricorp delivers a number of programs.

Mrs. Laura Albanese: Right.

Mrs. Maria Van Bommel: Right now, they're particularly challenged with the issue of overpayments and recovery of overpayment.

When the Auditor General of the time, Jim McCarter, did a value-for-money audit of Agricorp, he found that they had no real process for recovering the dollars that were overpaid. That now has come to roost, so to speak, in the sense that Agricorp now has to go back and get these dollars, because these are essentially, in many cases—like, they are tax dollars. They're tax dollars; they're producer dollars. So they need to recover overpayments.

But some of these things have gone back a decade, so the question now is, we have farmers who traditionally, when they receive these dollars, put those dollars right back into their farms. They don't stash them away so that if they ever get asked to repay it, they can just sort of pull it out. When they reinvest into farms that way, to come back to them and say, "Ten years ago, we overpaid you, and we want you to pay those dollars back"—there's a situation where the farmers are feeling a little bit mistrustful of the system.

While it's appropriate to recover those dollars, the question right now is—and it has gone to the courts—is there a limitation as to how far back Agricorp can go on these overpayments? That is probably their most immediate challenge right now.

Mrs. Laura Albanese: Mike, do you have any questions?

Mr. Mike Colle: Thank you, Chair, and Maria. I know you're a chicken farmer. Did you ever do pork also?

Mrs. Maria Van Bommel: Yes, we did.

Mr. Mike Colle: Oh, yes. Are you and your husband still actively involved, or is it your son that's doing most of the farming now?

Mrs. Maria Van Bommel: In 2009, we incorporated so that our son could—it was part of our succession plan, and our son is now on the farm. René and I are retired into town, which farmers tend to do as they move out of the way of the next generation.

1050

We're still involved in the sense that, in incorporating, our system of succession was such that my husband and I held shares. The price of the shares was established; the number of shares was established. Our son was given some of those shares for the work that he had done as a young man on the farm with his dad, but still, it's set up so that he can buy those shares and eventually own the farm himself. In a sense, we're still involved, because our son's success is our pension, unfortunately sometimes, but it is true. Farmers know very well, and they say it very often, that farmers walk on their pensions. You don't see your money and your investment until you retire and sell the farm, and in our case we sold it to our son, so we're still invested.

Mr. Mike Colle: And just another question. I know I used to ask you questions about chickens all the time, how many days and so forth. But the question I have is, a lot of people now, when they go shopping, there's always these questions about free-range, organic chickens and then the price differential. Has anybody really done an

analysis to see if there's a real nutritional difference or any difference in terms of health impact on the various types of chicken products you can buy when you go to the grocery store?

The Vice-Chair (Mr. Joe Dickson): That is the balance of your time, Mr. Colle.

Mr. Mike Colle: This is an important question.

The Vice-Chair (Mr. Joe Dickson): I know you're not finished the question.

Mrs. Maria Van Bommel: Maybe somebody else will take it up.

The Vice-Chair (Mr. Joe Dickson): We'll move over to the official opposition. Mr. McDonnell.

Mr. Jim McDonnell: Thank you for coming today. I know one issue that we've heard a lot about is the amount of paperwork involved per year, and I think it's pegged at something over four weeks of paperwork for each farmer in a year. There's no question paperwork is money and it takes farmers away from, really, their prime operation, which is running the farm and being successful and producing the food that we need. Do you have any comment or any idea where you think that should go? Or does that not seem excessive?

Mrs. Maria Van Bommel: Actually, when we look at farming, farmers are very good at producing crops and growing livestock. Where they have the difficulty is management, and management is paperwork. There is a certain amount of paperwork. I think young farmers—to our son, paperwork is acceptable. He does it and it's just a way of life. His dad had more difficulty with it, because he didn't have to deal with HACCP regulations.

Just as Mr. Colle was saying, we produce chickens on our farm. The chickens are sold to McDonald's restaurants. McDonald's restaurants have very stringent regulations about what happens with the products that they sell to their consumers. They want traceability. Traceability means you need to be able to track exactly where that bird came from, so if someone complains at McDonald's that their chicken burger didn't taste right, they can trace that right back to Van Bommel Farms if they want to. There's a paper trail. That's just the paper that has to be there if you want to sell to McDonald's restaurants, and we do. It's a good market and the product coming from our farm has the quality that we feel that McDonald's wants, but in turn we have to deal with their regulations and their traceability requirements. So there is that.

The other side I think you're trying to get at is the red tape and some of the other issues that farmers have to deal with, and I think there is certainly a level of frustration when it comes to environmental types of regulations, building code types of regulations when you want to expand your operation. It depends on where you're standing, in the sense that if you're a hog producer and you want to build a big barn, your neighbours may be very glad that you have to deal with minimum distance separations and that the number of animals has to be accounted for and that sort of thing. If you're the hog producer, you're thinking, "Why am I going through all this paperwork? Because all I want to do is build a barn

on my farm, and I should be able to do that.” So it depends a lot on where you stand in that situation.

The Vice-Chair (Mr. Joe Dickson): Yes, Mr. Pettapiece.

Mr. Randy Pettapiece: Good morning. I agree with what you’ve just said. I think farmers want to produce safe food and be accountable for what they produce. I can understand that, and the example you gave about the chickens is a very, very good example. I think what my colleague was talking about, unnecessary paperwork, where I think it takes—a farmer has to deal with five different agencies, I think, to build a barn these days. A lot of the questions are the same, and that’s the type of thing that we would like to see change a little bit.

With Agricorp, would it be possible—what are your thoughts of OMAF taking on that responsibility, where you could just go to OMAF and get all this paperwork done instead of having to go here, there and everywhere? Do you think OMAF could handle something like that?

Mrs. Maria Van Bommel: I think certainly within the staff of OMAF we have experts who deal in certain commodities, and they have that expertise that would certainly assist in that kind of thing. It would be nice if it was all under one umbrella; I do agree with that. It’s not an Agricorp issue, though, okay? We’re talking now just about the general process of the regulations that all farmers have to deal with.

Again, it’s a very complex situation. We can say that farmers feel that they have too much red tape to deal with, but if you’re a consumer and, even as a farmer—I’m going to go back and deal with this as a farmer. Our farm is near Grand Bend, so we’re on the lake. If somebody says that the beach has been closed because of contamination and it’s coming from farms, I’d like to be able to defend myself and say, “It can’t be my farm, because I have this, this, this and this.” I can tell you where my manure is going; I can tell you exactly what happens with the water that we have on our farm. But you have to have the evidence, right? It’s nice to say, but you need the evidence.

A lot of times we talk about—and farmers feel that there is too much paperwork, and, like I said, I think we can certainly try to bring some of that underneath one umbrella. But, in some ways, as a farmer, especially if you are a young farmer like my son, and you want to grow your business, you need to be able to defend yourself in the case of somebody coming to you and saying, “You just did this or that, and that destroyed the environment.”

Mr. Randy Pettapiece: Oh, I can quite agree with that. Like I say, the example on the chickens is fine, but I just think that sometimes the amount of bureaucracy that farmers and businessmen—not just farmers, but other businessmen, too—have to deal with can be overwhelming sometimes.

I like your example of proving things. My son is a police officer, and he had to take some special training for a job he has moved into. He had to take psychological tests and psychiatry and all that. But there’s a good thing

about that: He has a paper trail, because he says he’s the only one in the family who has a paper saying he’s sane. So he has that paper trail.

Anyway, go ahead.

Ms. Lisa M. Thompson: Very good. Maria, welcome. It’s nice to see you.

Mrs. Maria Van Bommel: Hi. How are you?

Ms. Lisa M. Thompson: Very well. Thank you. I really appreciate the fact that you recognize that the biggest challenge right now in front of Agricorp is the issue that’s been generated through the recovery of over-payments. I appreciate that.

As you know, in western Ontario, the weather has been sketchy this year, at best. I’m wondering, given that risk management is also under Agricorp’s purview, if you will, what are you hearing, and, as a director, what will you do in terms of advocating on behalf of the farmers about the cap that was put in place on risk management after the 2011 election? Because you and I both know the cap is a joke, and I’d be interested in your opinion.

Mrs. Maria Van Bommel: I think certainly a cap is very difficult for especially a larger operator, and I did hear from farmers who simply withdrew from the program because they felt that the cap was a disadvantage to them. They, at some point—because they have to also pay premiums in—felt that just by taking those premiums, they could self-insure. So I did have farmers tell me that that’s what they had done, because they felt the cap was going to be a disadvantage to them.

1100

In terms of what’s happening in our area, yes, we’ve had a lot of rain in areas. We went through Mr. Pettapiece’s area of Perth just this past weekend on our way further north. The wheat is off in our area even though—there is fusarium, which is a mould that affects the quality, so farmers are not getting the yields; they’re not having the quality. In Mr. Pettapiece’s area, a lot of it is still standing; they can’t get on the ground at all. Water is standing in the fields. Nobody can put a combine in there, so that’s not even coming off.

The Vice-Chair (Mr. Joe Dickson): One minute.

Mrs. Maria Van Bommel: So there are issues there as well. Then, further north is fine. It’s really dicey this year.

I think one of the other things that’s going to have an impact is the crop report from the US, where they’re saying they’re going to have a bumper crop—the best crop of corn they’ve ever had. That will have a downward pressure on the price of corn, so there will be higher demand on the whole business risk management program. I think there will be farmers who will be making claims either because they didn’t get their crops off—they will be looking at crop insurance, and they will be looking at a way to support the price, because I think the prices are going down.

Ms. Lisa M. Thompson: Do you anticipate that you’ll be receiving a lot of lobbying, given your past involvement with OFA—

Mrs. Maria Van Bommel: Oh, yes, of course.

Ms. Lisa M. Thompson: —and being a member of the Legislature—

Mrs. Maria Van Bommel: Farmers do.

Ms. Lisa M. Thompson: Yes.

Mrs. Maria Van Bommel: Farmers are good lobbyists, and they're well-spoken. They know their commodities. This is a very diverse province—

The Vice-Chair (Mr. Joe Dickson): That concludes the time allocated for this interview. Mrs. Van Bommel, thank you very much.

Mrs. Maria Van Bommel: Thank you, Chair.

The Vice-Chair (Mr. Joe Dickson): You may step down—

Miss Monique Taylor: Third party, Chair. We're still here. We've actually grown, Chair. Sorry.

Mr. Paul Miller: We've grown, Joe.

The Vice-Chair (Mr. Joe Dickson): Funny; I was just thinking of a way I could help you.

Mr. Paul Miller: I'm sure you were. Thanks.

The Vice-Chair (Mr. Joe Dickson): I'm glad you brought that up. What we will do is we will continue with the third party, and we will keep Mrs. Van Bommel here. I wanted to make sure I not only could spell her name but could pronounce it correctly as well.

Please proceed, either Mr. Miller or Miss Taylor.

Mr. Paul Miller: Thank you, Maria, for coming.

Mrs. Maria Van Bommel: How are you, Mr. Miller?

Mr. Paul Miller: Good.

I have direction here—sometimes I wonder about the questions, but they make me do these things. One of them is, obviously you're still a member of the Liberal Party—that would be a given.

I must say that I'm obviously impressed with your background in agriculture and farming. Certainly, you bring a lot to the table in reference to—I'm a firm believer that you have to be in the trenches to know something and to know the direction that the farming community would like the government to take. That's a given; you certainly have an unbounded amount of experience, and I'm impressed with that.

However, we have to ask the difficult questions, of course—

Mrs. Maria Van Bommel: This is the “but.”

Mr. Paul Miller: We saw that you went on the site and saw the job opening. Did you have any discussions with the Premier about this position at all?

Mrs. Maria Van Bommel: No.

Mr. Paul Miller: None?

Mrs. Maria Van Bommel: No.

Mr. Paul Miller: Okay. Being a former minister and in the Liberal government, do you feel that her being the minister will have any negative impact or any direction from her on your decision-making in that capacity?

Mrs. Maria Van Bommel: No. And I wasn't a minister. I was—

Mr. Paul Miller: A PA; sorry.

Mrs. Maria Van Bommel: Yes.

Mr. Paul Miller: Do you feel that will have any impact on the direction you take if, say, Premier Wynne

wanted you to go in a certain direction or wanted them to?

Mrs. Maria Van Bommel: No. What the Agricorp board does is oversee the administration of risk management programs and such. It's about the customer service. I talked about the auditor's report of 2008. All of us in rural ridings had the issue of farmers coming to us and complaining about Agricorp and saying that their customer service was terrible, that people couldn't get payments on time; that when the payments were made, there were bad calculations done; and that they were constantly appealing. Those are the kinds of things that the board of directors oversees: to make sure that the programs are delivered in a timely way and that the farmers get accurate payments so we don't get the overpayment issue that we're faced with right now.

Mr. Paul Miller: Over the years, I've dealt with some of the farming community myself, and certainly some of their problems were the red tape at government levels, plus the environmental challenges on the farm in reference to waste disposal and also runoffs from wells and things into the aqueducts and things.

You obviously have yours well managed, your own personal farm. Do you feel that the environment commission and the Ministry of the Environment should be stronger in those areas, or do you think they've gone too far and that it has—how would I put it?—tied the hands of some of the farming community in reference to their functioning?

Mrs. Maria Van Bommel: That's a very good question. I look at our own farm situation: My son and his family are there, so I have three grandchildren who drink from that farm well. Definitely, you want the environmental safeguards in place, and our son would do that—I mean, it's his children. I think every farmer is of the same mind. Environmentally, we want to protect our families. We're not out there trying to destroy the aquifers or destroy the soil. The soil is what gives us our income. We want to deliver a healthy animal. We deliver a healthy chicken, a bird—we call them birds.

Mr. Paul Miller: A happy bird.

Mrs. Maria Van Bommel: A healthy bird—because we eat them too. Our chicken comes from our barns.

Mr. Paul Miller: In reference to your comment on the Van Bommel chicken, I really don't have a problem with the chicken. It's when it gets there—some of the people may have problems with the additives that go into the chicken and the end result. I think some of the reports I've seen—

Mrs. Maria Van Bommel: I think that you need to go to the Ontario chicken farmers' website and learn about what really goes into the chicken. The regulations around what goes into chicken in Ontario and in Canada are quite different than what goes on in the United States. That is because we have supply management, and I'm going to bang that drum a bit. Under supply management, the farmers have the security of income that allows them to not have to force a bird to grow. There are no growth hormones going into birds in Canada. As commodities,

we have a lot of work ahead of us to make sure that people understand that our chicken is different from other chicken that comes into the system.

Mr. Paul Miller: My final question would be, obviously being a former MPP, do you think that had any influence on the appointment, to move it along or put you in a position of advantage on the appointment?

Mrs. Maria Van Bommel: No, actually. I applied, as I said, last fall. I took a year to kind of centre myself a bit. I applied last fall because I still want to do something and contribute. The appointment is for about 16 to 20 days a year. If I can't stand on my own two feet and qualify for that with my own background—I don't do that kind of thing, and you know that, Mr. Miller. I don't do those kinds of things. That's the farmer in me. We stand on our own feet.

Mr. Paul Miller: I like to hear that. That's good—something like a Hamiltonian. I like that. Okay, thank you.

The Vice-Chair (Mr. Joe Dickson): Miss Taylor.

Miss Monique Taylor: You had mentioned that you felt agriculture was not represented well in previous years. As we know, the Premier has decided that she's going to be the minister under that portfolio. How do you feel that it's being represented these days? Are you satisfied that she's the minister? Do you have an opinion on that? Coming back into a government role of sorts, under this agency, how do you feel?

Mrs. Maria Van Bommel: Before the Premier was Premier or Minister of Agriculture, she participated in a program that the Liberal caucus had, which was called Agriculture 101. That, essentially, was the rural members bringing the urban members out to the farms and introducing them, by tours, to the different kinds of commodities and showing them each year a different program of different commodities. The Premier participated in those every time. I always found—alphabetically, she and I sat in a room together when we were first elected in 2003. She's very inquisitive. She has a great curiosity about things and she has a quick mind.

1110

I'm not at all concerned. I know, from talking to farmers in my communities and my contacts with the different organizations, that they are quite happy with having the Premier as the Minister of Agriculture. They feel that that has given them an extra lift in terms of priority.

Miss Monique Taylor: So you feel confident enough that when there are issues within Agricorp, you will be able to be forthright with the Premier and telling her the things that are wrong, or the minister—

Mrs. Maria Van Bommel: I'm always forthright. Have five kids and see how that works if you're not. I've always been forthright. Actually, as a member of the board, I won't be talking to the Premier anyway. That's the chair's role. I may contribute in conversations to the chair, but I have no role in talking to the Premier or to the Minister of Agriculture as a part-time member of a board.

Miss Monique Taylor: All right. That's it.

The Vice-Chair (Mr. Joe Dickson): Thank you. We have one minute left if you would like to—

Mr. Mike Colle: Can I ask my question?

Mr. Paul Miller: You can have my minute.

Miss Monique Taylor: No, no, no, we can't, because I wasn't able to last time.

The Vice-Chair (Mr. Joe Dickson): What I would like to do in the one minute is just clarify a couple of things. You were given a one-minute notice on the question. You ran out of time in asking the question so I had to end it there, unfortunately.

Interjection.

The Vice-Chair (Mr. Joe Dickson): No; I have the floor. Thank you.

The other thing is, perhaps in the future, even though you turned down the time, an option may be to make an exception by unanimous consent. We could entertain that even though the rule says, "No; it's over. It's over." But I think there's an option there that we could look at if we do run into that situation again.

Mr. Paul Miller: I vote for one minute for Mr. Colle.

The Vice-Chair (Mr. Joe Dickson): That's, unfortunately, not qualified.

I'd like to thank you very much, Ms. Van Bommel. I hope I pronounced it right.

Mrs. Maria Van Bommel: You did; thank you.

The Vice-Chair (Mr. Joe Dickson): This concludes your time. We'd like to thank you very, very much for your presentation this morning. I think if I said anything else I might get into trouble, so I'll just say I hope you have a wonderful day.

Mrs. Maria Van Bommel: Thank you very much, and I want to thank all of you. It may seem strange, but I had fun.

The Vice-Chair (Mr. Joe Dickson): Thank you.

MR. PHILIP OLSSON

Review of intended appointment, selected by official opposition and third party: Philip Olsson, intended appointee as member and chair, Ontario Lottery and Gaming Corp.

The Vice-Chair (Mr. Joe Dickson): Fellow members, our next intended appointee today is Philip Olsson, nominated as member and chair of the Ontario Lottery and Gaming Corp. Please come forward and take a seat—you're already two steps ahead of me—at the table. Welcome. Thank you very much for being here. You may begin with a brief statement if you wish. Members of each party will then have 10 minutes to ask questions. Any time used by your statement will be deducted from the government's time for questions. On completion of your statement, sir, we will commence questioning with the official opposition. Thank you very much, good morning, and welcome.

Mr. Philip Olsson: Thank you, Mr. Chair. I have copies of my remarks, if you wish. Should I proceed?

The Vice-Chair (Mr. Joe Dickson): Thank you. You may commence.

Mr. Philip Olsson: Okay; thank you very much. I have a fairly brief statement. I have appeared before the committee on four previous occasions in connection with the LCBO, which I presently chair. Two of those appearances were in connection with proposed appointments and two were in connection with agency reviews. These experiences have led me to respect the work of this committee and its members, and I was struck again this morning by how much interesting information you can learn just by attending these meetings. I would also like to thank the committee for scheduling this interview at your first meeting after my appointment was proposed.

I'll do this in two parts. First, I'll review the qualifications I bring from the private sector.

I've worked in the financial industry for over 35 years as a commercial banker, an investment banker, a merchant banker, a venture capitalist and a private client portfolio manager. For 11 years, I've been a partner in a firm which manages over \$600 million for individual clients. I see the world as an investor, as a shareholder or as a potential shareholder. I evaluate managements on their ability to generate returns on capital, and I often actively work with managements to improve those returns.

I have learned how important it is to diligently oversee any enterprise which employs the capital of shareholders, whether those shareholders are individuals, institutions or government. This oversight, or corporate governance, is the responsibility of an organization's board members. I bring considerable experience in this area. Over the past 20 years, I've served as a director of 10 significant for-profit enterprises. I've served as chair of boards, audit committees and compensation committees. In my career, I have often been responsible for many relationships with chairs, CEOs and boards of directors.

That's a quick overview of my business experience, but it's probably more important to review my performance as chair of a large government agency in Ontario. As you know, I've served as the LCBO's first non-executive chair since March 2007. In the three years before that, I was vice-chair and then acting chair and CEO. Here's a summary of my record.

We're well aware that the LCBO is a highly profitable government enterprise. In the fiscal year ended March 2007, the LCBO dividend to the province was \$1.279 billion. Six years later, the dividend transferred this past spring was \$1.7 billion, an increase of \$423 million, or 33%. I do not take credit for the LCBO's record-breaking financial performance. That credit belongs to an innovative management team led by CEO Bob Peter and the 7,000-plus dedicated LCBO employees.

In addition to careful oversight over those years, some of the accomplishments that I and an outstanding LCBO board can take credit for are, most importantly, we have ensured that the LCBO's financial results are never achieved at the cost of social responsibility. I've worked hard to see that the board and employees never lose sight of this core value while pursuing continuous improvement. This commitment to social responsibility is certainly no less important in gaming than in beverage alcohol.

As evidence of our commitment to social responsibility, during 2012-13, LCBO retail staff challenged 7.8 million people who appeared under age, intoxicated or were suspected of purchasing for a minor or an intoxicated person. More than 322,000 were refused service; 84% of those refusals were for reasons of age.

Second, after recruiting a highly qualified board, we spent over a year modernizing the governance structure of the LCBO in 2005. This led to the passage of a new Liquor Control Act on December 6, 2006. The LCBO is now considered by many as a leader in governance among Canada's government-owned agencies.

Notwithstanding our growing dividend to the province, I worked with the LCBO's management and government to significantly increase the capital delegated to our store development program. We opened 30 new and enlarged stores last year and will open some 30 more this fiscal year, the most in its 86-year history. These have made a significant contribution to our profitability as well as enhanced customer service and our efforts to promote domestic suppliers, most notably VQA wines and Ontario craft beers.

These are some accomplishments which I believe illustrate my ability to improve the performance of a large, high-profile crown corporation. Underlying the successes we've had at the LCBO is a willingness to work with, consult with and consider the needs of many constituencies: customers, employees, vendors, social responsibility advocates, organized labour, management, the media and, of course, government.

The OLG has mapped out a thoughtful and comprehensive renewal program which the Premier has re-emphasized her commitment to. It will affect many parties, not all of whom will share the same objectives. I believe that an OLG chair with an open and consultative approach is absolutely essential to succeeding in this ambitious undertaking. I respect the committee's ability to consider whether I bring the necessary mix of public sector leadership, sound governance and experience in generating provincial revenues in a socially responsible manner. I hope you will find in my favour, and would consider it a great honour to serve the province as chair of the OLG. Thank you.

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The Vice-Chair (Mr. Joe Dickson): Thank you very much, Mr. Olsson. We will now go to the official opposition for 10 minutes, commencing with Mr. McDonell. Thank you.

Mr. Jim McDonell: Yes, thank you.

Thank you for appearing today. Certainly there's been a lot in the news over the last number of months about the OLG's plan in Toronto and the modernization plan. Do you have any comment on that, or could you talk about the possibility of bringing some of the private expertise into the field that, of course, has been very successful around the world?

Mr. Philip Olsson: Well, the basis for the modernization program, in fact, is to improve the customer experience and returns to the province through bringing

in the private sector to be operator and moving the OLG into the role of supervisor and responsible for what's called conduct in management, which is what the Criminal Code requires us to do.

As far as Toronto goes, it has been a principle of the modernization program that a community must welcome new gaming sites in their area if they are to be proposed. Toronto city council has decided that they don't want to see new gaming sites and that the slot facility at Woodbine, which is in the city of Toronto, would not be expanded, so we respect that, and unless council were to change its view, that's where it will have to stand.

Does that answer the question?

Mr. Jim McDonell: Sure.

Do you have any questions?

Mr. Randy Pettapiece: Yes. Thank you for appearing here today. I'm from the country, rural Ontario, and the devastating news that came down in a previous budget was when they got rid of the Slots at Racetracks Program. You can look at the figures: 30,000 to 50,000 people were affected by this decision. It put horse racing virtually out of business. In fact, even with the report that just came out by the new panel, it's pretty well put the death nail into the coffin of the horse racing business.

I'm speaking from owners of horses; I'm speaking from the people that work there. Nothing is going to fix this thing or help the horse racing industry unless we go back to a system similar to what we had before. Can I get your thoughts on that?

Mr. Philip Olsson: Well, my knowledge, of course, is limited to public information, but I have, not surprisingly, received a number of phone calls from people who wish to point out things to me. I haven't engaged anyone in discussions.

I think the former program was flawed in the sense that the 20% which was allocated—10% to purses and 10% to improvement of the breeding program—was not being well spent in every case, but it had created a lot of employment, and I take your point as very relevant.

The termination of the program was abrupt. The Premier recognized that and put in place the transition panel, composed of three former ministers.

Now, I haven't heard from everyone, but I have reviewed the press, and I'd like to learn more from you or others you might recommend, because my impression has been that it has received considerable favour, at least among some sectors of the—

Interjection: Horses are being shipped to the United States.

Mr. Philip Olsson: Sorry?

Mr. Randy Pettapiece: Go ahead. Finish your comments, please.

Mr. Philip Olsson: So I guess I need to learn more about that.

Mr. Randy Pettapiece: Yes. I don't want to get into an argument about the panel, what they've done and whatever else, but one of the comments was that the whole thing did not address the owners of the horses themselves. That's a comment I got from a horse owner:

There's nothing in there about ownership of a horse or the owners of a horse. However, I think I have to agree with you: There were some flaws in the way it was set up before.

Any of the horse people I've talked to—I've talked to racehorse drivers; we have them in my community, in my riding—had wished somebody had come to them and said, "We want to change the system. Would you please come and consult with us?" We would have done that. They didn't. They just said, "Bang-o, you're gone." Unfortunately, it just devastated—devastated—the horse racing business in Ontario.

I would hope, sir, that if your application is successful, we don't have to go through something like this again. I believe that any policy that a government wants to pursue should be thought out a little bit clearly before it's done. I would hope, sir—I hope I'm phrasing this right—you would have some influence on that if you are appointed to this position: that if you see any government that happens to be going off a little left or right or centre or wherever they're going, that you might be able to advise them a little bit, "Just think about what you're doing." This was just a terrible, terrible thing that happened in rural Ontario.

Mr. Philip Olsson: I can't defend the lack of consultation. Obviously, it's recognized that it was done precipitously because the transition panel and other steps were taken.

I'm not sure I would agree with the statement that there's nothing there for the owners, because, in fact, the whole basis of the program is to provide matching market purses to what the public is willing to wager. If it's not addressing the needs of the owners, it's certainly missing the mark, because it's certainly intended to do that. I can't defend it because I wasn't part of it.

I do take your point that it has to be done—it's a very important constituency. I actually live in a rural area myself, and I'm aware of what it has done. In fact, my local farmer was telling me about what has happened to his hay orders since the program, so I'm personally aware of it. I can only give you a commitment that I will be as consultative as I can possibly be and in trying to influence it.

Mr. Randy Pettapiece: Okay, I appreciate that. I just got this comment from a horse owner that he was a little bit disappointed with that.

Anyway, go ahead.

The Vice-Chair (Mr. Joe Dickson): Ms. Thompson.

Ms. Lisa M. Thompson: Thank you, Chair. We all know that OLG has had a wholesale change at the board level. Given your involvement at LCBO and now the appointment that we're considering in front of us today, do you think that this is a partisan appointment and you'll be expected to do the bidding of the Premier?

Mr. Philip Olsson: One of the reasons I think I was successful at the LCBO was that I never forgot that our shareholder is the government and public policy enters into it as well as financial returns and other things. But when you're a director of a company, whether it's public-

ly or privately owned, your duty is to the corporation. Over the years, initiatives would come forward, political or otherwise, that I felt were unwise, and in almost every case, I was able to persuade the government that this was not in the public's interest.

Ultimately, anybody in this job serves at the pleasure of the Premier, because it's a Premier's appointment, but I haven't experienced the operation of a government agency, in the case of the LCBO—and I don't think the OLG would be any different—as simply doing what the Premier tells you to do. She supports the modernization program, and that was submitted to cabinet and approved. I don't expect, nor would I willingly accept, micromanagement of what we do.

Ms. Lisa M. Thompson: Okay, very good. One last question—

The Vice-Chair (Mr. Joe Dickson): You have one minute.

Ms. Lisa M. Thompson: Okay. You mentioned in your comments, “OLG has mapped out a thoughtful and comprehensive renewal program....” Just this past week, a performer by the name of Ke\$ha performed at the Windsor Casino. The reviews were absolutely horrible. It was an all-ages show. Parents were saying how they were absolutely disturbed by the content of the songs and her behaviour. Is this a type of investment and offering the province should be giving through our casinos?

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Mr. Philip Olsson: I don't think the province or OLG has been or will be setting the performance agenda for casinos any more than we would for the Air Canada Centre or anything else.

I heard the story. In fact, I know Ke\$ha, as a recording artist, and it's a pretty risky proposition to put her on stage. What kids were doing in that show I can't possibly imagine, and it certainly wasn't ever suitable for them. I don't see that as an OLG policy matter.

The Vice-Chair (Mr. Joe Dickson): We will now move to the third party for 10 minutes. Mr. Miller or Miss Taylor.

Mr. Paul Miller: Good morning, Mr. Olsson. I'm the guy who gets to ask the tough questions.

Mr. Philip Olsson: But you're asking them this time, right?

Mr. Paul Miller: Have you ever donated to the Liberal Party and are you a card-carrying Liberal member?

Mr. Philip Olsson: I am a card-carrying Liberal member. I've been a member of the Liberal Party of Ontario since I moved back from Alberta in 1992. I was, prior to my appointment to the LCBO, a fundraiser for the party, as you probably know. I have not raised any money for the party since. In designing the ethics rules, the Legislature thoughtfully allowed people to continue to give to parties, so I have been donating to the party.

Mr. Paul Miller: Okay, that's all. We touched on the slots program. I think you were a little off when you said that it's 20%. It was actually 25%, and 10% went to the

racetrack, 10% went to the race owners and 5% went to the community.

Mr. Philip Olsson: Yes, that's correct.

Mr. Paul Miller: Anyways, just to correct that. No tracks were losing money. They just weren't making as much as the government would have liked to have made.

What's your opinion on the cancellation of the program? Do you think that was the right thing to do at the time? How's your opinion on the meagre amount of \$50 million they've put in the transition costs for changing the industry?

Mr. Philip Olsson: I haven't had access to the numbers, to the analysis that was used to arrive at that. I think I've already said to the official opposition question that I thought the change in the program was abrupt. I think I agreed with the statement that it could have been better analyzed; it could have been consultative. But I will also point out that this Premier has said it's time to reboot here, and put in the transition panel to figure it out.

I thought it was overly generous before. It was clear that a lot of purses were being awarded without really improving the breeding, and that a lot of money was being retained by racetracks and their management or their owners and not necessarily improving the racing program. I think we want to move away from that. Whether this program will be accepted in its present form, I can't say. I certainly would expect to be influential in that.

Mr. Paul Miller: Okay. As you know, the slots are still there and there are going to be more of them. Certainly, it moves the people away from the betting scenario on the horses. A lot of them end up downstairs at the slot machines as opposed to where they used to be.

Originally, this was a signed agreement between the race industry and the government. It was an agreement, a contract that was signed. The government of the day—and it continues to say it wasn't a contract. They're saying it was their deal. I really have a problem with that.

How will you handle any future negotiations with the racetrack industry, and will you, as the head of the OLG, renege on any decisions that are made with the racetrack industry and the owners?

Mr. Philip Olsson: I guess this wouldn't be a surprise to you. It's news to me that there was a formal agreement.

Mr. Paul Miller: There was.

Mr. Philip Olsson: The program was changed; it needed to be changed. It could have been changed a different way; I think I've said that. There are now agreements in principle in place with every track—

Mr. Paul Miller: Not to their liking, I might add.

Mr. Philip Olsson: Well, contracts are a matter of negotiation, so I wouldn't be surprised if anyone is happy about having somewhat less income than they had before, but I don't believe the former program was working properly.

Mr. Paul Miller: Well, it's very expensive to have horses. It's very expensive for feed. It's very expensive

for training. It's very expensive for all the staff you require to run a breeding farm. Also, a lot of our top breeders have now left the province and have gone to New York state, and they are continuing to exit on a regular basis. How are you going to stop that?

Mr. Philip Olsson: I can't specifically answer that question. I can say this, though: While we may have lost some breeders to other places, we were getting—because the purses were so rich before—horses and not the best horses from Europe to access the rich purses in Ontario. So I still would stand by the statement that the program was unduly generous and needed to be changed.

Mr. Paul Miller: My next question would be in reference to—you have quite a resumé on banking and financial handling, which is impressive. At the Liquor Control Board, you would have dealt with unions, and now you're going to have to deal with unions at OLG. They're unionized, some of their area and staff. What has been your personal relationship with unions? How do you feel about unions? Do you feel that you're going to be able to work with them in the future in a good manner?

Mr. Philip Olsson: I'm a supporter of organized labour, and I always have been. I've always said that managements get the unions they deserve. Our relationship with OPSEU—and before that with the local union, which merged into OPSEU—has been constructive, although the contracts have been very vigorously negotiated. I have no problems with dealing with organized labour.

Mr. Paul Miller: Thank you.

Do you have any questions?

Miss Monique Taylor: Yes, I do. What motivated you to take this position? Were you asked specifically to take this position?

Mr. Philip Olsson: Yes. I was asked more than once to take this position.

Miss Monique Taylor: By whom?

Mr. Philip Olsson: Well, finally, by the Premier.

Miss Monique Taylor: Okay. And the reasoning behind that? I mean, you were doing a job already with one of our largest corporations within this province, and to take you away from that corporation and put you into a corporation that is at risk and there is a lot of trouble going on—what would motivate you to want this position?

Mr. Philip Olsson: As I said, I originally said no. I was quite happy at the LCBO. Finally, I was prevailed on to do this as I guess it appeals to my sense of public service, and I enjoy dealing with constituencies and trying to find a route that can deal with everyone's concerns to the extent it's possible.

Miss Monique Taylor: So you're willing to work better with municipalities than the previous corporations about their wants and their choices of having the casinos and racetracks?

Mr. Philip Olsson: I think it varies a lot by municipality, but there are some frictions there that I need to understand better.

Miss Monique Taylor: And what are your thoughts on the privatization of a lot of these casinos and the US trying to break into our system and taking a lot of our customers and taking our money out of the country, out of the province?

Mr. Philip Olsson: The majority of the money would stay here with the government, and we would be incenting people to operate the casinos.

Miss Monique Taylor: Sorry. So you're in favour of privatization if the money stays in the province?

Mr. Philip Olsson: I'm in favour of the modernization plan, which proposes that facilities will be managed by third parties. By the way, we have some very large Canadian operators, which would presumably be successful in many cases as well. But the majority of the money stays with the province as the owner of the rights.

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Mr. Paul Miller: Okay, I guess one quick question. In the transition period, if things move and are moving—they have been moving—in the privatization direction, you realize that that certainly would be an attack on unions and these new owners could certainly try to deregulate the unions or suspend their agreement. Are you going to support the union position for the new owners in the transition period? Are you going to be in their corner or are you going to be in the private sector's corner?

Mr. Philip Olsson: I don't have to be in either corner. I think unions can organize wherever they wish, irrespective of who owns the facility.

Mr. Paul Miller: With 51% of the vote, and there has been interference with that.

The Vice-Chair (Mr. Joe Dickson): Now we'll go to the government, who will have four minutes and 30 seconds.

Mr. Mike Colle: Mr. Olsson, in Toronto we had quite a council meeting whereby they decided that they didn't want a casino in Toronto in the downtown, but in the activities that day the council also, in a very hurried fashion, defeated the proposal to expand the casino at Woodbine. I just want to know, if you are appointed chair, whether you would entertain a new resolution from city of Toronto council that supported the expansion of the casino at Woodbine.

Mr. Philip Olsson: If that was the wish of city council, we would consider that. Woodbine is a designated gaming zone and could have been considered for a casino or other gaming facilities prior to the vote of council.

Mr. Mike Colle: So you are open to listening to the will of council if they do choose to reopen the issue.

Mr. Philip Olsson: Absolutely. It wasn't our decision; it was council's.

Mr. Mike Colle: Okay.

The second question I have: In terms of the Ontario Lottery and Gaming Corp., one of the things that I see as a gap is that the public sometimes doesn't have enough information in terms of where those dollars that the alcohol and gaming commission receives through the activities and that are returned to the government go once

they are received through lotteries, through casinos, through horseracing, whatever it is.

Can you think of better ways, or will you look into better ways, of ensuring the public has better information in terms of where those revenues go?

Mr. Philip Olsson: It's fully disclosed, but I admit that it's hard to follow because some goes to responsible gambling, some goes to the OFNLP, some goes to the Trillium Foundation, and the rest goes into the general fund. I take your point that we could do a much better job at that.

I also will continue the campaign that I exercised throughout my time at the LCBO to convince the minister to table our annual report in the Legislature in a timely way. I was never successful at the LCBO. We'll see if I can be successful at OLG.

Mr. Mike Colle: And what about more specific arrangements in terms of dedicated sources for revenues from gaming; in other words, project-specific revenues? Let's say there's a proposal at one point to help pay for some of the transit investment in Toronto, or let's say a community wanted to build a hospital or some other public institution where there would be a direct correlation with the revenues received from that community, from their gaming venues or activities, that would be dedicated towards specific projects. Don't you think that might be one thing that's worth looking into so the public sees a direct correlation between the gaming revenues and where those dollars end up?

Mr. Philip Olsson: Well, that's what the Trillium Foundation was originally intended to do.

I won't be taking a position on how the government should spend the money. That's outside my mandate and the mandate of the board.

Mr. Mike Colle: Okay. A question from my colleague.

Mrs. Laura Albanese: It's Phil McNeely who had a question.

The Vice-Chair (Mr. Joe Dickson): Thank you. That will conclude the time allocated for this interview.

Mr. Phil McNeely: Thank you, Chair.

The Vice-Chair (Mr. Joe Dickson): No favouritism.

Mr. Philip Olsson: I'll answer it privately, Phil.

The Vice-Chair (Mr. Joe Dickson): Thank you very much, Mr. Olsson. You may step down. We appreciate you appearing before us, sir.

Mr. Philip Olsson: Thank you.

MR. EDWARD WAITZER

Review of intended appointment, selected by official opposition party and third party: Edward Waitzer, intended appointee as member and chair, Liquor Control Board of Ontario.

The Vice-Chair (Mr. Joe Dickson): Our next intended appointee today is Edward Waitzer, nominated as member and chair of the Liquor Control Board of Ontario. Please come forward and take a seat at the table. Welcome. Thank you very much for being here.

You may begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions. When we do commence the questions, they will commence with the third party.

The floor is yours, sir. Welcome.

Mr. Edward Waitzer: Thank you, Mr. Vice-Chair, and thank you, all of you, for giving me this opportunity to be here today. The last time I appeared before this committee was almost exactly 20 years ago. At the time, I considered the opportunity for public service to be an important one and, indeed, one that I couldn't really say no to. That belief has only been reinforced over the last 20 years.

I don't propose to spend a lot of time on my credentials. I'd rather respond to any questions that committee members have. I have brought along a copy of my resumé or whatever it is, so if you want it, you're welcome to it.

As a lawyer and more recently as an academic, my practice, my research, my teaching has focused on complex business transactions, public policy and governance issues. My experience as a manager has spanned the Toronto Stock Exchange; the Ontario Securities Commission, where I was appointed by Premier Rae and continued to serve under Premier Harris; and my law firm. In addition to advising on teaching and studying issues relating to institutional governance and accountability, I've served on many for-profit and not-for-profit boards over the years.

Unlike my predecessor, I'm not graduating from a board position to the role of chair, so my knowledge of the LCBO is based on time spent with Phil and with Bob Peter, the excellent briefing materials prepared by LCBO staff that I'm working through, and my own research.

As all of you know, a little bit of knowledge can be dangerous, so you'll excuse me if I don't volunteer opinions on issues in respect of which I simply don't have sufficient expertise to provide an informed answer or view. I'm certainly happy to get back to you on any of those issues.

I will, however, say that based on my own limited interaction with the LCBO leadership as well as my experience as a customer, I've been left singularly impressed with the organization and its core values: social responsibility, good governance and management, continuous improvement, and a commitment to serve its customers and the interests of this province both as a generator of revenues and an instrument to advance public policy objectives. I hope I'll be able to continue to contribute in some small way to an already strong enterprise and culture and, in doing so, serve the public interest.

I'd welcome any questions on my suitability for this appointment.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. We will go to questioning from the third party. Mr. Miller or Miss Taylor?

Miss Monique Taylor: Thank you, Chair. Good morning, Edward. Thank you for being here with us today.

I'm going to play bad guy today. Are you a card-carrying Liberal member, or have you made any donations to the Liberal Party?

Mr. Edward Waitzer: I'm not a member of any political party. I've made small donations, I think, to each of the parties at various times, with respect to individual candidates.

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Miss Monique Taylor: And what led you to this role of—the appointment for the chair today?

Mr. Edward Waitzer: I'm sorry?

Miss Monique Taylor: And what led you to this appointment today?

Mr. Edward Waitzer: I was asked.

Miss Monique Taylor: By whom? It can't be that hard of a question.

Mr. Edward Waitzer: No, I'm trying to think of the sequence of events, but I think the ask came from Monique Smith. It was either Peter Wallace or Monique Smith.

Miss Monique Taylor: So it was from a former cabinet minister.

Mr. Edward Waitzer: I know Peter Wallace because he and I have interacted over the years and he's asked me at various times about public service, and I can't recall whether the specific request to consider this appointment came from Peter or from Monique, but I'm pretty sure it was from Monique Smith.

Miss Monique Taylor: Okay. What do you believe that your working relationship will be within a unionized workforce?

Mr. Edward Waitzer: The unionized workforce is obviously a very important part of the LCBO. We could have a long discussion about this. I guess the short answer would be for a whole variety of reasons, I think collective action is increasingly important in our society and in our governing structures today. So I have a very high regard for the role of collective labour.

Miss Monique Taylor: Okay. As you know, we just came through a contract not that long ago where we were pretty much at the 11th hour of a striking position from the union, and I believe a lot of that had to do with the large portion of part-time workers within the LCBO. What are your thoughts on that? I believe some were moved, a very small portion were moved, but what do you feel about the future of that, and do you think that a part-time workforce is the way to continue? Or is that something that you believe that you would be working towards fulfilling into full-time positions?

Mr. Edward Waitzer: We're now getting into the range of a little bit of knowledge being dangerous. I simply don't have enough knowledge about the LCBO to give you an informed response to that question.

Miss Monique Taylor: You're taking on a chair position, are you not?

Mr. Edward Waitzer: Yes, I am.

Miss Monique Taylor: That's a big position. These are serious questions about what's going to happen with the workforce within the LCBO, so I hope that you do take the time to make sure that you do become familiarized with the issues that are in front of that board. When it comes to the workforce, they're the ones on the ground every day making sure that the customers are served, and I know they're served very well and very pleasantly by the public of this province. Making sure that they have a fair deal and are able to gain full-time employment in this province is an important issue.

The next question I have is, what is your opinion on allowing convenience stores into the sale of alcohol?

Mr. Edward Waitzer: Again, I'm not trying to a duck question. I know the LCBO's view; I'm not sure I have enough information to offer you an informed view yet.

Miss Monique Taylor: I'm just curious as to what led Monique Smith or—I'm sorry, the other person; I don't remember who that was. But what led them to ask you to be the chair of this board? I mean, you don't seem to have much knowledge of what's happening with the LCBO, so I'm just curious as to what was the motivation of them asking you. Do you know?

Mr. Edward Waitzer: Again, I think you'd have to ask the government, presumably. I can speak to my experience, which relates to managing, to governance, to public policy issues, but I am inexperienced in issues specifically relating to the LCBO. I agree with you that they're important issues, and they are issues that I will get up to speed on as quickly as I can.

Mr. Paul Miller: I have two more questions for you. What is your position on privatizing the sale of alcohol in Ontario?

Mr. Edward Waitzer: I think that's a decision for the government of Ontario.

Mr. Paul Miller: Really? You don't think you'd have any impact on that?

Mr. Edward Waitzer: Again, I think it's ultimately a public policy issue to be determined by the government.

Mr. Paul Miller: And what's your position on repatriating large agency stores?

Mr. Edward Waitzer: Sorry, repatriating large agency stores? Again, I'm happy to come back to you on any of these issues when I can do so in a more informed way.

Mr. Paul Miller: Well, I'm a little surprised. These are major issues for a major money position in our government—for the public's money—and you seem to be a little light on the direction that this organization is going to take, which is going to be critical in the next five to 10 years. I'm a little concerned.

Mr. Edward Waitzer: Let me reframe your view, because I can easily provide you with the position of the LCBO.

Mr. Paul Miller: No, I want your position.

Mr. Edward Waitzer: And I'm saying that I'm uncomfortable giving you my position until I've had a

chance to get better informed, and that doesn't happen until I really understand the institution—

Mr. Paul Miller: Do you have any vision whatsoever?

Mr. Edward Waitzer: —and that doesn't happen from reading newspapers, reading clippings, or—

Mr. Paul Miller: Right, but do you have any personal vision to taking over an agency that large? Do you have any personal goals, any vision that you would have, toward the changes that might be implemented?

Mr. Edward Waitzer: There's always room for improving in an institution. I don't have a specific policy agenda.

Mr. Paul Miller: Okay. Thank you.

The Vice-Chair (Mr. Joe Dickson): No further questions? We have two minutes and 39 seconds left. Thank you.

Mr. Paul Miller: We're done.

The Vice-Chair (Mr. Joe Dickson): We will now go to the government side, which will give you six—

Mrs. Laura Albanese: Thank you, Mr. Chair. Welcome to our committee. Thank you for coming today. You have an extensive background in corporate governance, and you come from a very different experience in the securities stock market. What do you think you could bring, with your experience, to the new board?

Mr. Edward Waitzer: Well, my experience in governance extends across the public sector, the private sector, the for-profit sector and the not-for-profit sector. The LCBO is a large, complex and very important institution to this province, and hopefully I can work with the management team and the board to improve the quality and performance of that institution.

Mrs. Laura Albanese: You did mention you didn't have a specific vision. I know you were asked that question just a few minutes ago, but at the same time, from, let's say, the briefings you've had from the LCBO, where would you see this agency going? Have you formed any opinions yet as to where you could see it going in the future and what you could bring to it?

Mr. Edward Waitzer: I'm really not being disingenuous when I say that sometimes it's better to listen before offering answers. The opinion that I've formed is that I've been very impressed by the quality of the management team that I've been interacting with. Phil is someone I've known for many years in a variety of other contexts, but I'm still getting up the learning curve in terms of this institution and its stakeholders.

Mrs. Laura Albanese: Okay, so I guess I'll pose the question in another way: What challenges are you looking forward to? You have extensive experience. You're impressed by the management. I know you still haven't taken the position, so you don't know the specific details, but what do you find challenging? What challenges do you hope to take on in your new position?

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Mr. Edward Waitzer: The challenge in governance—and in management, for that matter—is like camping: trying to leave the campsite better than you

found it. The LCBO is so important to the fabric of our society in this province—that's a challenge that attracts me.

Mrs. Laura Albanese: Okay. Mr. Colle.

Mr. Mike Colle: I just want to know, Mr. Waitzer: You practised law with Stikeman Elliott from 1981 to 1993. In what field did you practise? What aspect of law did you practice or specialize in?

Mr. Edward Waitzer: I practised from 1981 to today; I'm still a partner at Stikeman Elliott. I've taken a couple of interruptions to do public service and a couple of other things. My practice is primarily large business transactions. I've done a lot of work on public policy issues. I do some work on governance, but the primary—

Mr. Mike Colle: What areas of public policy have you worked in? Give me an example.

Mr. Edward Waitzer: I advised the energy board in the province on energy sector deregulation. I've done a lot of work with the federal government on financial sector policy, including the never-ending discussion about whether we should have a national securities regulator. Those are two examples.

Mr. Mike Colle: You served as chair of the Ontario Securities Commission for a few years?

Mr. Edward Waitzer: Correct.

Mr. Mike Colle: And how did that experience make you, you might say, more aware of how a public institution operates differently than the private sector works?

Mr. Edward Waitzer: It's a good question. It was a very humbling experience. I came to the securities commission having been a practitioner and thinking that I knew a fair bit about securities regulation. What I didn't know about was managing in the public sector and how challenging that is. Part of my reticence to offer uninformed opinions is really a response to, in part, that experience: that decision-making and managing in the public sector is far more challenging in many ways and far more nuanced than in the private sector.

Mr. Mike Colle: It seems much easier to make, let's say, decisions or assumptions in terms of determining certain directions or policy when you're in the private sector as opposed to when you're interfacing with the public sector. Has that been your experience?

Mr. Edward Waitzer: Yes. The levels of accountability are higher. The complexity of relationships with stakeholders—internal and external—is higher. The path to decision-making tends to be more oblique, if I can put it that way, less of a straight line, which isn't a criticism; it's different. It's actually quite fascinating.

The Vice-Chair (Mr. Joe Dickson): That concludes the time allocated for this interview. Thank you very much.

Mr. Edward Waitzer: Thank you.

The Vice-Chair (Mr. Joe Dickson): We appreciate you being here.

Interjections.

The Vice-Chair (Mr. Joe Dickson): It was a test. I just want to make sure you're alert.

Miss Monique Taylor: Well, we're all hungry for lunch, too, Chair.

The Vice-Chair (Mr. Joe Dickson): I'm sure we all are. We now go to—stay right there, sir—the official opposition. Mr. McDonell, if you have questions, you have 10 minutes, sir.

Mr. Jim McDonell: Okay, thank you. Thank you for appearing today. We've had the opportunity, I guess, to do some work with the LCBO over the last year. A couple of the questions we had, really, were around a study done by this government, I believe, back in 2005, that showed that opening up the system to private outlets is a benefit financially to the unit. But also, being from rural Ontario, where the population is a little bit smaller, we're seeing a lot of our rural towns shutting down because of a lack of business. The previous government, the Harris government, gave some opportunities for agency stores to allow private operators to operate. I look back at the two areas in my riding where there are grocery stores there that probably wouldn't exist without that help.

Any comment on that in light of the fact that actually it's an opportunity for increased profits for the LCBO and an opportunity for economic development in rural Ontario and northern Ontario as well as meeting some of the social challenges of making people not have to drive so far to get the product?

Mr. Edward Waitzer: The question is opening more agency stores in rural areas?

Mr. Jim McDonell: Yes, and your thoughts towards that from those points of view—economic development for the rural areas as well as increased profit opportunity for the LCBO.

Mr. Edward Waitzer: Again, my sense is that the LCBO has been pretty aggressive in opening new facilities, both their own facilities and agency stores, to make sure that customers are serviced and because it generates increased revenues for the agency and the province.

Mr. Jim McDonell: I think, though, the numbers speak to—they haven't approved a new agency store in the last 10 years in rural Ontario. Although we saw the numbers where they're saying they are aggressive, they tend to be in large urban centres, where basically there is a service there, and I don't disagree with that strategy. But in rural Ontario, we're really looking at some of these small villages keeping not only an LCBO, but through some type of franchising arrangement, keeping the local grocery store. Generally, in villages of 200 or 300 people, it makes no sense to have a full-blown LCBO. I think, actually, the numbers show that they haven't opened any new stores.

Mr. Edward Waitzer: I'd like to take that comment on board and get back to you, if I may.

Mr. Jim McDonell: Sure. Do you have any questions?

Mr. Randy Pettapiece: Yes.

The Vice-Chair (Mr. Joe Dickson): Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you, Chair. I recently went on a tour of the east coast. It's great country down there and great people, lobster and whatever else you've

got to do. I actually took a break and had a hamburger halfway through the thing, but anyway.

We went through the northern United States, and when we crossed into New Brunswick, one of the first signs I saw was "Wine this way." So I followed the trail, and it went on to a county road. Here was a vegetable and fruit stand. They had their onions and their carrots and whatever else they were selling in there, and in the corner was a little booth selling their wine, blueberry wine. I thought that was kind of neat.

Where I'm going through here is, yes, it's local food and whatever else, which we should be promoting in Ontario. We seem to have an issue with doing that in this province. I didn't see a lot of drunk people lying around this fruit stand; they seemed to be quite orderly. But here was somebody—

Interjection.

Mr. Randy Pettapiece: Yes.

I guess my point is this: There are small wineries, vineyards in this province that are having a difficult time getting into the LCBO because of volume issues. I think that we need to look at programs to open this market up for these small producers. Different people have come here and asked us to look at these types of things. The craft brewery industry is growing in leaps and bounds in this province. However, it is difficult sometimes to even get them going.

I just wonder—this went all through the province of New Brunswick; they had these small stands selling their beets and carrots, and a little place over here for the wine. That was kind of neat. What are your thoughts on that type of thing? It's more of a market access problem that these small wineries have, because they don't produce the volume required by the LCBO.

Mr. Edward Waitzer: Although as I understand it, they are each allowed to retail directly from their premises, which would be the equivalent of the stand you're describing.

Again, there's no argument as to the objective to promote Ontario wineries, and we can discuss whether the LCBO has performed adequately, but it is certainly committed to that objective. Whether there are other strategies that might be more effective in achieving that objective, I'm happy to take your comments on board and—

Mr. Randy Pettapiece: There's also the issue of farmers' markets too, where you can take your product to a farmers' market and sell, that type of thing.

Cross-province trading of wine is an issue. I don't know what the problem is there; I'm not educated enough there to offer an opinion on that, but it just hit the papers here a while ago, the issue we have with trading wines across this country. Unfortunately, it gets right down to the producer, the manufacturer. It's hurting business in the provinces. I think we need to get over some of that type of thing. I just wonder, sir, if you were to get this position, would you have an influence on that type of decision? Do you think you could have an influence on

that type of decision, as to the issues we have between provinces and that type of thing?

Mr. Edward Waitzer: My sense is that the relationship between the LCBO and the Minister of Finance is a good one. I'm spending most of tomorrow touring facilities with the minister's chief of staff. It will be the second time I've met him, and I've met the minister once. Hopefully, the relationship between myself as chair or whoever as chair and the minister is one where—and certainly I think this was the case with Phil—the LCBO's views are taken seriously into account in formulating policy around the operation of the institution and the public policy issues that it impacts on.

Mr. Randy Pettapiece: Okay. Thanks.

The Vice-Chair (Mr. Joe Dickson): Ms. Thompson.

Ms. Lisa M. Thompson: The role of our positions here today is to assess the capacity of all the nominees for the various positions. I was wondering if you could share with us how you influenced or the impact or your involvement in the energy policy that you mentioned earlier today.

Mr. Edward Waitzer: How did I impact?

Ms. Lisa M. Thompson: Yes.

Mr. Edward Waitzer: I was involved in two ways. This goes back I can't remember how long. One was the deregulation of the retail gas market, where I was asked by the OEB to chair a task force and author a report that led to the deregulation of that market. Like all things, you learn as you go along. Deregulation has kind of gone through many evolutions since then. I can't remember how long ago it was.

On the electricity deregulation, I was involved with a group of others in formulating policy positions that ultimately weren't accepted by the government at the time, but that's the government's prerogative. I had less impact in that case.

Ms. Lisa M. Thompson: Okay. And just my last question: What leadership qualities do you bring to the table for the role of chair of the LCBO?

Mr. Edward Waitzer: What other—

Ms. Lisa M. Thompson: Leadership qualities, soft skills.

Mr. Edward Waitzer: I've led a law firm. I've led a government agency. I led a stock exchange. I've chaired other organizations.

The Vice-Chair (Mr. Joe Dickson): That will conclude the time for this interview. I'd like to thank you very much, sir, for being here.

Mr. Edward Waitzer: Thank you.

The Vice-Chair (Mr. Joe Dickson): It now being, depending on which part of Canada you're in, 12 hours and 13 minutes, we will break for lunch. We will be recessing, still at 1 o'clock this afternoon back here in committee room 151. Thank you, members.

Mr. Mike Colle: What time are we back?

The Vice-Chair (Mr. Joe Dickson): Same time as allocated—

Mr. Paul Miller: Reconvening at 1. You said "recessing."

The Vice-Chair (Mr. Joe Dickson): We are recessed until 1 p.m., and you're welcome back early if you wish.

Mr. Paul Miller: We'll have to get here early in case you forget us again.

The Vice-Chair (Mr. Joe Dickson): I would never forget you, Paul.

The committee recessed from 1213 to 1308.

The Vice-Chair (Mr. Joe Dickson): Good afternoon, everyone. Just prior to starting, MPP Lisa Thompson has a query in reference to her particular constituency, directly in reference to the Wingham police services board. It's a question that we're going to refer to the table. She's calling for clarification of a protocol and has listed a lot of information that the table will look after appropriately and set a future date for it to be considered at whatever level it is to be considered. Am I right, Madam Clerk? Just say yes.

The Clerk of the Committee (Ms. Sylwia Przewdzicki): If you'd like to outline the nature of the query, the request can be made to the committee's research officer, and the research officer will get back to the committee.

Mr. Joe Dickson: Would you like to do that?

Ms. Lisa M. Thompson: Very quickly, the municipality nominated three people they had vetted to fill two vacancies on the police services board, and only one of the three was actually approved. So they're just wondering if they could get clarification on the overall protocol and why the other two had been declined, because they felt they had vetted them and felt good about their nominations. They're still left with one vacancy now.

The Vice-Chair (Mr. Joe Dickson): Excellent. Thank you very much, MPP Thompson.

MR. RANDOLPH REID

Review of intended appointment, selected by official opposition party: Randolph Reid, intended appointee as member, Champlain Local Health Integration Network.

The Vice-Chair (Mr. Joe Dickson): Welcome back. We are now resuming our consideration of intended appointees. Our next intended appointee today is Randolph Reid, nominated as a member, Champlain Local Health Integration Network. Please come forward and take a seat at the table, sir. Welcome and thank you for being here.

You may begin with a brief statement if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions.

With that, I would ask you to commence, sir.

Mr. Randolph Reid: Good afternoon, Mr. Chairman, ladies and gentlemen. You've had a long day, so I'll make my introduction as short as I possibly can.

I want to thank you for the opportunity to meet with you to answer any questions about my application to become a board member of the Champlain LHIN. I'm not going to tell you about my life story from the time I was born to today. Rather, I'll just hit some of the highlights.

I've had a long and, I think, interesting career in finance and administration and government work, almost all of it related to health care. I spent 19 years working for the Ontario Ministry of Health. I started as an auditor and ended up, in the last three to four years, as assistant deputy minister. I left the ministry, as all good civil servants do, and became a management consultant for five years, mostly with universities and teaching hospitals as clients. Then I returned to Ottawa as the chief financial officer, senior vice-president, at the Children's Hospital of Eastern Ontario for 14 years.

My experience is in both the public and private sectors. I've worked for the Ontario government, did a little bit of work for the Alberta government, and have been a senior administrator in a teaching hospital.

After I retired in 2006, I resumed my consulting practice for a couple of years, did some small consulting projects, and did a six-month stint as the interim chief financial officer at the Royal Ottawa Hospital. I taught for one semester at Ottawa university in the master's of health administration program. I have done some volunteer work, most of it with the Royal Canadian Legion.

About 18 months ago, I was invited to volunteer on the finance committee of the Champlain LHIN. I'm not a board member, obviously, but they needed to fill out a skill set and so they asked me to volunteer, which I did. I became interested in the work of the LHIN, and about a year ago, two vacancies occurred. I put in an application to fill one of the vacancies, and here we are today.

The Vice-Chair (Mr. Joe Dickson): Very good, sir. Thank you. We will commence with questioning by the government, and that will leave you seven minutes and 32 seconds.

Mrs. Laura Albanese: Thank you, Chair. Good afternoon and thank you for appearing in front of our committee today. I wanted to ask you, what have you learned about the LHINs from sitting on the finance and audit committee?

Mr. Randolph Reid: My exposure to the LHIN is a little bit limited because I only sit on the finance and audit committee—I don't attend board meetings—and we only meet every three months. But what I've learned from my short time already on the committee is that the LHIN has a significant amount of activities that are related to improving how health services are provided within the community. There's no secret that we have a huge wait-list issue, and the LHIN in our area has made some improvements. Probably the one we're happiest about right this moment is MRI: We've cut the wait time in half. But we have a number of other areas where the wait-list is not improving, and we're now starting to put some resources to trying to resolve that. Hopefully, we'll make inroads.

Mrs. Laura Albanese: Well, hopefully so. You've given your background as an ADM and a senior vice-president of the Children's Hospital of Eastern Ontario. You have seen the health care system evolve over time. Would you like to comment on that?

Mr. Randolph Reid: My tenure in the ministry goes back to 1969, which is a few years ago, and right up until 1988. What I've seen over the course of 40 years is a health care system with 250 islands that now have bridges. I know that sounds trite. I'll use Ottawa as the example. The hospitals in Ottawa never co-operated with one another in the 1960s, the 1970s, the 1980s. We had famous baby wars within the city for years and years. The boards and administrations didn't even talk to one another. Now we have an agency that is forcing the systems to talk to one another, to work to resolve issues. I'll go back to what we did with the MRI in Ottawa. What we did, ultimately, was force the hospitals to have a single intake system and manage the wait-lists and balance it between the institutions. That would never have occurred 30 years ago.

Mrs. Laura Albanese: Phil, I know you have some questions.

Mr. Phil McNeely: Sure.

Mrs. Laura Albanese: Thank you.

Mr. Phil McNeely: Mr. Reid, that's my local health integration network, and it has certainly come a long way in the years that it has been in place.

Just a second, here. You were senior vice-president and chief financial officer of the Children's Hospital of Eastern Ontario, which is again in the eastern end of the city. With the LHINs taking on more every year, that has to be a primary concern, to have the financial people in place. I'd just like to expand on what you gained from the Children's in that position and what you'll bring to the board of the LHIN.

Mr. Randolph Reid: Well, the board of the LHIN currently does not have anyone with an accounting or finance skill set. We have some business people but no one with sort of a pure financial background. I suspect that's why my appointment has been brought forward, trying to add that dimension to the board, because I believe every public board should have a variety of perspectives on it, whether it's law or accounting, banking etc.

I would like to think I bring two dimensions to the board. One is, I am an accountant by background—and it's not meant as an apology. I see the world differently than people who aren't accountants.

The second thing that I think I bring to the board is over 40 years of varying experiences within the health care system. I've done a lot of different things. I was an auditor for the Ministry of Health. I was assistant deputy minister of health. I worked for the largest privately owned chain of hospitals in the world, the Hospital Corporation of America. I spent two and a half years in the private delivery of health care. I've seen different things work.

I've also been an administrator of a teaching hospital where, as part of the management team, we had to make decisions on how to manage with less resources than we wanted. I won't say "less than we needed," but certainly less than we wanted to have. So I know that the LHIN is

going to do, and already has done, many things within our region—

The Vice-Chair (Mr. Joe Dickson): One minute.

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Mr. Randolph Reid: —but I'm hoping that my background and experience will help as we move forward.

Mr. Phil McNeely: I welcome your expertise and background in health care as well as in finance and look forward to seeing you with the LHIN board in Ottawa if you are approved, which I hope you are.

Is that all the time, or does someone else—

Interjection.

Mr. Phil McNeely: Okay. Thank you, Chair.

The Vice-Chair (Mr. Joe Dickson): You have 34 seconds. Go ahead.

Mrs. Laura Albanese: Thank you, Chair. We will give up that time.

The Vice-Chair (Mr. Joe Dickson): Thank you. We will now go to the official opposition. Mr. McDonell?

Mr. Jim McDonell: Thank you for attending today. I've had the opportunity, of course—my LHIN as well has had some correspondence with them on a couple of them, but the last one was over long-term-care beds. The Auditor General had the Champlain region as being the worst in the province for wait times. We just recently went through where we closed a number of beds in Cornwall that were put there on a temporary basis because of the extreme case, and, of course, some issues with the general hospital. Although they haven't built any beds or added any new beds to the system since 2003, the message is, "There's no shortage." When asked to look at it again, not only is there no shortage, but they say that there's a significant number of beds till 2030. The number doubles over—especially since 2003. So the number adds some questions as far as credibility, but that's the message.

Is there any thought, I guess, in being a board member, to ensure that the messaging coming from the LHIN is a little less partisan but a little more factual? Where do you see that goal, as far as you're concerned as a board member?

Mr. Randolph Reid: First of all, I guess I have to remind you that I'm not a board member—

Mr. Jim McDonell: Sure, but as a future board member.

Mr. Randolph Reid: —and have never attended a board meeting. But as far as I know, the messaging from the Champlain LHIN board to the communities within Champlain is to be factual; it's not to be partisan. I don't know how else to answer that question.

Mr. Jim McDonell: I guess I just wonder where the message is—that even though the population has doubled, even though we have the worst record in Ontario, we don't need any additional beds for another 20 years. It just doesn't seem to be reasonable. In that time frame, the seniors population will grow, I think, from the Auditor General's report, another 50%.

Mr. Randolph Reid: And unfortunately, I'm going to be one of those seniors looking for a bed within 20 years.

I think the issue that we face in Champlain, and I think in some of the other LHINs as well, is that in the good old days we used to refer to them as bed-blockers. Now we're a little more charitable; we call them alternate-level-of-care patients. We have a higher proportion of people in the wrong place. They've been admitted to an acute care hospital, and their acute episode is complete. They should be now moved to a rehabilitation or convalescent or long-term-care home with support, and they aren't being, because the whole system has people in the wrong place. It's one of the initiatives that I know our board in Champlain is looking at this year very intently, because it's an issue where the whole system backs up, and you begin to see symptoms of the backup in wait times for surgical procedures because there are no beds. People are waiting a longer time in the emergency department for admission into the hospitals because there are no beds. So it is an issue.

I cannot comment on whether we're ever going to need more long-term-care beds in the next 20 years.

Mr. Jim McDonell: I guess I can agree that obviously they're not doing a great job in getting beds. I have a hard time believing, when the population is going to continue to increase, like the numbers show, even if we were doing a bad job today and we hope to do a better job tomorrow, that we could handle that extra population. Some admission of the fact that that is an issue—I guess I would like to see some conversation, other than coming back and saying, "Yes, we worked on the numbers and we have enough beds beyond the next 20 years, so even though we haven't built any in 10 years, and even though we have the worst record, in Ontario, we still don't need anything." You know, this carries to different fields: joint replacement, long backups, now the shortage of doctors. Funding has been cut back for our surgeons, or they're working elsewhere. That's not the message the public's getting, but that's the message the doctors are getting, as they've been cut back to a three-day week as far as surgeries go.

It's a concern because that message comes through the LHIN. I find the LHIN is basically a delivery service for a message. It's not something that looks through and looks at the needs, even as far as—I go back to our Cornwall hospital where we've been working at delivering chemotherapy for some time now.

Our region, for some reason, has a higher than average occurrence of cancer. We've been talking about this for some time, and just last week I saw more and more people coming in who are going to Ottawa because they can't get it locally. It's a sizable hospital. I know there's an issue there, but I have a hard time when we force our residents to travel to some of the larger hospitals at a great distance. It's an issue, looking at and maybe improving health care. I think the LHIN has to speak out sometimes when they see needs. I just can't believe some of the information that's coming from our local doctors and nurses who are afraid to speak publicly because

they're being warned that if they speak out, it may affect funding. That seems to be very much the message that comes out there.

Mr. Randolph Reid: Well, certainly, in my experience working in health care, physicians have rarely bitten their tongue when there's an issue. They certainly didn't when I worked at CHEO; I heard from them on a regular basis when things weren't going well.

I'd like to address at least one of the things that you've said. One of the things that has happened in the Champlain LHIN is that hips and knees are one of the issues, and we have a huge wait time issue on hips and knees. We're now coordinating with smaller community hospitals to pick up the slack. We have people in Ottawa who are travelling to Carleton Place or Winchester for surgical procedures. Again, if you take a step back and say, "Well, we have one of the biggest hospitals in the country, and yet they're offloading patients to small community hospitals" —that's how the system is going to work. We're going to maximize the use of capacity wherever we can.

Mr. Jim McDonell: But I know of two surgeons in Cornwall, replacement surgeons, who have been cut back to three days a week and are working, actually in one case in the States, because their operating room has been cut back. This doctor says he won't take any further patients because there's a year-and-a-half wait. He says, what's the sense? That's contrary to the message they gave out. These patients now are forced to go on a waiting list in Ottawa whereas they could very well have it done locally.

I guess it all speaks to the message we hear. It doesn't seem to ring true. I've heard the local health clinics tell us that they're warned not to say anything or else it could affect funding. Very much, that seems to be a message.

The Vice-Chair (Mr. Joe Dickson): Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you, sir. I come from midwestern Ontario, and we have a very big LHIN in that area. I'm not familiar with the geography from Renfrew to Glengarry; I guess that's what my notes say is the Champlain LHIN. How big of an area is that?

Mr. Randolph Reid: It extends from Hawkesbury in the east to Deep River, Barry's Bay—

Mr. Randy Pettapiece: Would it be 200 or 300 kilometres long?

Mr. Randolph Reid: Yes. It follows the Ottawa River, essentially.

Mr. Randy Pettapiece: Okay, so it's a very big area.

Mr. Randolph Reid: It is a large geographic area.

Mr. Randy Pettapiece: I have issues with that with our LHIN the same way—it's huge—and how they can handle that area. I think the problems arise because of the size of these LHINs sometimes. I can tell you right now, I was told by a lady who recruits doctors in our area that she knows of 20-some orthopaedic surgeons who haven't got work even though the waiting list for hips and knees has grown. These guys can't find work, and she said, "That's not right, and it shouldn't be there."

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So I just have an issue with the way the LHINs are managing this system, because there's a hospital in our area that has empty operating rooms that could fulfill this type of thing, and yet it's not being done. Because of the size of these things—

The Vice-Chair (Mr. Joe Dickson): We will now have to go to the third party for 10 minutes. Miss Taylor, how are you?

Miss Monique Taylor: Thank you, Chair. Thank you for being here with us today, Mr. Reid. I'm curious about what you see the priorities of the LHINs to be.

Mr. Randolph Reid: I'm not sure I can answer that question for all LHINs—

Miss Monique Taylor: What are your priorities going to be?

Mr. Randolph Reid: The priority, I believe, for the Champlain LHIN is to make significant inroads on wait times.

Miss Monique Taylor: Bringing your financial perspective, you feel that you can enhance the health care system, possibly eliminating waste? How do you feel that you're going to juggle that?

Mr. Randolph Reid: I don't know. I'm not prepared to say that for everything in the health care system, we have exactly enough money; it just needs to be redistributed. I'm not going to say that. But I know from the experience we had with MRIs, which we're now applying to CT scans and to hips and knees, we are talking about simply organizing the system better and trying to balance workload and shift patients to the most appropriate setting without additional costs.

Miss Monique Taylor: As you, I'm sure, know, the Champlain LHIN has recently had to deal with issues of service cuts in terms of the Ottawa Hospital, where 290 positions were cut in January 2013; 90 of them were nurses. In April, 25 additional RN cuts were announced. Do you think that was dealt with appropriately?

Mr. Randolph Reid: I actually can't comment on that. I'm not on the board. That was dealt with at the board, not at the finance committee.

Miss Monique Taylor: That represents 200,000 hours per year of nursing care.

Mr. Randolph Reid: I understand that.

Miss Monique Taylor: That's a lot of hours.

Mr. Randolph Reid: That's a lot of hours.

Miss Monique Taylor: That's a lot of service to patients.

Would that be something that you will be looking into once you get there? Are you interested in those kinds of things? You're going to be the bean-counter, right? So does that mean that you'll think that more service cuts are necessary, or do you think that shifting things around might be a better way of dealing things, and maybe taking off some of the heavy top layer of bureaucracy and costs in that direction instead of service cuts on the front line? What are your thoughts?

Mr. Randolph Reid: What I will bring is the same message and attitude I had at CHEO. When we cut costs,

we tried to cut costs away from the bedside. Essentially, we're a hospital, so reducing the quantity of service you provide is not the first line of cost-cutting. What you do is, you look at overhead costs and struggle your way through that, rather than cutting service. I guess there are some hospitals where that's not a full option, and some service cuts may happen.

Miss Monique Taylor: Do you think that the community was properly consulted prior to all of these cuts being made?

Mr. Randolph Reid: I actually don't know the answer to that.

Miss Monique Taylor: As a board member, how do you think that you're going to be able to balance the needs of the community with the budget constraints?

Mr. Randolph Reid: It's a fine-line issue. We know that the amount of money that we have is fixed, and so the service providers have to develop plans on how to live within that. As a board member, what I will be looking for is a cogent statement from each of the providers that this is what they did to reduce our costs to live inside the envelope and it did or did not have any impact on patient programs.

Miss Monique Taylor: The million-dollar question today: Do you belong to the Liberal Party? Are you a card-carrying member? Have you ever donated to the Liberal Party?

Mr. Randolph Reid: I am not now, nor never have been, a member of the Ontario Liberal Party, and I have not ever given a donation to any candidate for the Ontario Liberal Party.

Miss Monique Taylor: So you weren't asked by any Liberal members whatsoever to run for this position? This was something that you chose to do on your own?

Mr. Randolph Reid: Yes. I actually applied for membership on the board three years ago and was not selected as a candidate. The committee doing the selection wisely chose Dr. Wilbert Keon instead. So when the vacancy came up, I threw my hat in the ring again this time.

Miss Monique Taylor: I just have one more quick question, and then I'm going to put it over. Do you feel that when you know that there are further constraints coming before the LHIN, you will be willing and fight hard for the members of your community to be lobbying the government for more money for your LHIN?

Mr. Randolph Reid: I'm not sure how to answer that question. I know, as a board member, I will be advocating on behalf of our community. I'm not going to organize protests—

Miss Monique Taylor: Well, no, but there are appropriate ways of doing things to making sure that your LHIN has enough financial beans to take care of the system, right?

Mr. Randolph Reid: Yes.

Miss Monique Taylor: Thank you very much.

Mr. Paul Miller: How are you doing today?

One of the things I've noticed—a glaring omission in the LHIN process is the dispute resolution system. Some of these LHINs govern over 200 different agencies,

especially in my area, Hamilton-Halton area. People, formerly, would take their complaints about service or dispute resolution to the local board of each—whether it's the Ontario Nurses' Association, whoever was dealing with that particular person. What I feel—and it hasn't happened, and I want to know what you feel about it—is that each LHIN should have a grievance person who can deal with some of the things, because sometimes they don't get satisfaction at the board, and it being the over-seeing body of all these different agencies, they don't get results at the local agency; they may pass the buck. Would you be in favour of having a resolution person, or a grievance person, who would deal directly with those agencies, if the individual service person did not get the answer they wanted?

Mr. Randolph Reid: It would be almost the creation of sort of a mini-ombudsman function—

Mr. Paul Miller: Oh, you could call it that.

Miss Monique Taylor: The Ombudsman is always—

Mr. Paul Miller: The Ombudsman is there, too, but I don't think we would want—if we could do it in-house, in each LHIN, as opposed to going to the Ombudsman with something that may not require that level of expertise, would you be against having someone on every LHIN who deals with an agency within the LHIN's guidance, under their umbrella, if they couldn't handle the dispute within that particular agency?

Mr. Randolph Reid: I guess I wouldn't be opposed to it, although I'm not sure that that's a good starting point.

Mr. Paul Miller: What do you mean by that?

Mr. Randolph Reid: Well, if a patient has a complaint about a hospital, there is a process.

Mr. Paul Miller: But that's what I'm trying to say: A lot of times the process doesn't work for that individual, and they have nowhere else to go, and the LHIN is the umbrella over it.

Mr. Randolph Reid: The ministry and the minister is also a place to go.

Mr. Paul Miller: That's a scary thought. Okay. Thanks.

Mr. Randolph Reid: I didn't mean to frighten you.

Mr. Paul Miller: Okay.

The Vice-Chair (Mr. Joe Dickson): One minute.

Miss Monique Taylor: I don't think I have any further questions for you, Mr. Reid.

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Mr. Paul Miller: Well, Mr. Reid, in conclusion, I feel that you certainly have the expertise and certainly have had the experience. You were a little light on my question, but that's okay. That's a noncommittal question, and I really hate those kinds of answers. But other than that, I think I have no problem with your appointment.

Mr. Randolph Reid: In my defence, you have to recognize that I'm not a board member.

Mr. Paul Miller: You will be, sir.

Mr. Randolph Reid: Well—

Mr. Paul Miller: You have to make decisions.

Mr. Randolph Reid: I understand that.

The Vice-Chair (Mr. Joe Dickson): End of questioning?

Mr. Paul Miller: Yes.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. That concludes the time allocated for this interview. Mr. Reid, thank you very much, and you may step down.

At this point in time, we have heard from Lionel Kevin Joyner that he is unavailable today for—was there a reason?

The Clerk of the Committee (Ms. Sylwia Przewdzicki): For reasons of health.

The Vice-Chair (Mr. Joe Dickson): Because of a serious health issue. What I would like to do is move this forward for the future. I will give you the question for the committee, and that is: Do we have unanimous agreement to extend the deadline to consider the intended appointment of Lionel Kevin Joyner as a member of the Hamilton grant review team to September 30, 2013, which is what we did on one prior resolution?

Mr. Paul Miller: He is going to appear before this committee.

The Vice-Chair (Mr. Joe Dickson): He would.

Mr. Paul Miller: He will then?

The Vice-Chair (Mr. Joe Dickson): I can't guarantee his health on that particular—

Mr. Paul Miller: So all we're doing is allowing him another chance at it, to come before this committee?

The Vice-Chair (Mr. Joe Dickson): That's what we're voting to do, yes, sir.

Mr. Paul Miller: Fine.

The Vice-Chair (Mr. Joe Dickson): All in favour? Thank you very much.

We would then go to concurrences and commence the process from the delegations this morning.

We will now consider the concurrence for Joanna Smith, nominated as vice-chair, Workplace Safety and Insurance Appeals Tribunal. Do we have a mover for the concurrence? Mover is Ms. Albanese.

Any discussion? Seeing none, all in favour? Thank you. Opposed? Seeing none, the motion is carried.

We will now consider the concurrence for Maria Van Bommel, nominated as member for Agricorp. Would someone please move the concurrence? Ms. Albanese, thank you.

Any discussion?

Mr. Paul Miller: Mr. Chair, just a point of information: You might want to look around the room a little better. One person had their hand up, opposed.

The Vice-Chair (Mr. Joe Dickson): Did I miss somebody who voted against?

Mr. Paul Miller: Yes, you did.

The Vice-Chair (Mr. Joe Dickson): Can I take a guess who it was?

Mr. Paul Miller: It wasn't us.

The Vice-Chair (Mr. Joe Dickson): Jim? Okay. All in favour, with the exception of one—two—three. I'm sorry. All in favour, with the exception of—

Mr. Paul Miller: Which one are you moving now, Mr. Chairman?

The Vice-Chair (Mr. Joe Dickson): We're on the one that you just—

Interjections.

Mr. Paul Miller: Are we still on Joanna Smith or are we on—

Interjection.

The Vice-Chair (Mr. Joe Dickson): Just for clarification, would you be good enough to read out that motion, please, Ms. Albanese?

Mrs. Laura Albanese: Sure. I move concurrence in the intended appointment of Maria Van Bommel, nominated as member of Agricorp.

The Vice-Chair (Mr. Joe Dickson): Which is what I read, so it has been read twice now. Okay.

Any discussion? Seeing none, all in favour? Opposed? Thank you. The motion is carried.

We will now consider the concurrence of Philip Olsson, nominated as member and chair, Ontario Lottery and Gaming Corp. Would you like her to read it in addition to me, Madam Clerk? She's going to read the same thing that I read.

Mrs. Laura Albanese: Sure.

The Vice-Chair (Mr. Joe Dickson): You go ahead and read it.

Mrs. Laura Albanese: Thank you.

The Vice-Chair (Mr. Joe Dickson): Let's make doubly sure.

Mrs. Laura Albanese: I move concurrence in the intended appointment of Philip Olsson, nominated as member and chair of the Ontario Lottery and Gaming Corp.

The Vice-Chair (Mr. Joe Dickson): Thank you. Any discussion? Seeing none, all in favour? All opposed? The motion is carried. Thank you.

We will now consider the concurrence for Edward Waitzer, nominated as member and chair, Liquor Control Board of Ontario.

Would you like to repeat that, please, Ms. Albanese?

Mrs. Laura Albanese: I move concurrence in the intended appointment of Edward Waitzer, nominated as member and chair of the Liquor Control Board of Ontario.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. Comment? Proceed.

Miss Monique Taylor: Committee members, I have serious concerns about the knowledge that this member has regarding this agency, which is a very large agency in our province. His commitment to even do the homework before he came to see us today was lacking, to say the least. I'm sure that we all heard that. So I know that we will be voting against this member, and I hope that you take that into serious consideration before we do appoint this member to this agency. Thank you.

The Vice-Chair (Mr. Joe Dickson): Thank you. All of those in favour of the member? All of those—

Ms. Lisa M. Thompson: No, just a sec. Just a sec.

The Vice-Chair (Mr. Joe Dickson): I called for the vote, so I can't rescind that.

Opposed? The motion is carried.

Miss Monique Taylor: Can we have a recorded vote please, Chair?

The Vice-Chair (Mr. Joe Dickson): Certainly.

Interjection.

The Vice-Chair (Mr. Joe Dickson): I'm not sure of this, but the table is telling me the vote has already been taken. I know at other levels of government, such as councils, municipal, regional, you can request a recorded vote, but at this level, it's taken.

Miss Monique Taylor: Sorry, I didn't realize the process.

Mr. Paul Miller: Actually, Chairman—

The Vice-Chair (Mr. Joe Dickson): No, just a minute. Excuse me. You're not in the chair, Paul.

What the Clerk has told me, Mr. Miller, is that anyone can request a recorded vote prior to the vote, but once a vote is taken, you can't request it.

Do you have another question, Mr. Miller?

Mr. Paul Miller: Well, I tried to get one in, but you didn't want me to ask it. That was what I was going to ask.

The Vice-Chair (Mr. Joe Dickson): I had already asked her in advance of you raising your hand—

Mr. Paul Miller: Mr. Chairman, with all due respect, I realize I'm not the Chair, but when I put my hand up, I have the ability to ask a question.

The Vice-Chair (Mr. Joe Dickson): Excuse me, Mr. Miller, I have the floor.

Mr. Paul Miller: Don't override me because I'm asking you a question.

The Vice-Chair (Mr. Joe Dickson): I just did.

Mr. Paul Miller: Well, I'm sorry, I don't agree with you.

The Vice-Chair (Mr. Joe Dickson): You should be sorry.

Mr. Paul Miller: I'm challenging the Chair.

The Vice-Chair (Mr. Joe Dickson): You should be sorry.

Mr. Paul Miller: I'm challenging the Chair.

The Vice-Chair (Mr. Joe Dickson): You go ahead.

Mr. Paul Miller: Because what I had done was—

The Vice-Chair (Mr. Joe Dickson): You go ahead.

Mr. Paul Miller: —I put up my hand.

The Vice-Chair (Mr. Joe Dickson): Would you like to challenge the Chair?

Mr. Paul Miller: I'm challenging the Chair on that comment.

The Vice-Chair (Mr. Joe Dickson): Okay, Mr. Miller would like to challenge the Chair. Explain on what comment—

Mr. Paul Miller: On the comment that I simply did what was protocol. I raised my hand, wanted to ask a question. You cut me off. The Clerk explained exactly what I was going to ask, but the decision before was that you had said, Mr. Chairman, with all due respect—you said, "You can't ask for a recorded vote." Then you changed your mind when you had a conversation with the Clerk. In between that—

The Vice-Chair (Mr. Joe Dickson): No, that's not true, Mr. Miller.

Mr. Paul Miller: I asked that.

Interjections.

Mr. Paul Miller: Yes, that's what happened.

The Vice-Chair (Mr. Joe Dickson): Mr. Miller, I feel fairly strong in saying that is an untruth.

Mr. Paul Miller: Well, I disagree.

The Vice-Chair (Mr. Joe Dickson): Okay. Did you want me to read the subsection on voting, Mr. Miller?

Mr. Paul Miller: I already know it. That's what I was trying to ask you. You wouldn't let me.

The Vice-Chair (Mr. Joe Dickson): No. We'll certainly straighten this out after, because that's not so.

Mr. Paul Miller: Well, that's your opinion.

The Vice-Chair (Mr. Joe Dickson): That motion is carried. Now we are finished.

We will now consider the concurrence for Randolph Reid, nominated as member, Champlain Local Health Integration Network. Ms. Albanese, I wonder if you would be good enough to read that.

Mrs. Laura Albanese: I move concurrence in the intended appointment of Randolph Reid, nominated as member of the Champlain Local Health Integration Network.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. Is there any discussion? Seeing none, those in favour? Those opposed? The motion is carried.

We have dealt with Mr. Joyner. I'll entertain a movement for adjournment.

Mr. Mike Colle: I move adjournment.

The Vice-Chair (Mr. Joe Dickson): The meeting is adjourned. Thank you very much, ladies and gentlemen, for your time.

The committee adjourned at 1351.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 10 September 2013

Journal des débats (Hansard)

Mardi 10 septembre 2013

Standing Committee on Government Agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 10 September 2013

Mardi 10 septembre 2013

The committee met at 0906 in committee room 1.

ELECTION OF VICE-CHAIR

The Chair (Mr. Lorenzo Berardinetti): Good morning, everyone. I'd like to call the Standing Committee on Government Agencies meeting to order. I want to welcome the new members here especially.

We'll start right now, and the first thing we're going to do on our agenda is to entertain a motion for nomination for Vice-Chair of this committee. Mrs. Albanese?

Mrs. Laura Albanese: Thank you, Chair. I move that Mr. Rick Bartolucci be appointed as Vice-Chair of the committee.

The Chair (Mr. Lorenzo Berardinetti): Okay. Laura Albanese has nominated Rick Bartolucci. Any other nominations? No? I'll close the nominations and Mr. Bartolucci is now Vice-Chair of the committee.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Okay, if we want to, we can have a vote. All those in favour? Opposed? That carries.

Mr. Randy Pettapiece: —like my Lions club, Mr. Chair. If you're not here, you get an appointment.

The Chair (Mr. Lorenzo Berardinetti): Yes, that's pretty good: Miss a meeting and you get an appointment.

SUBCOMMITTEE REPORTS

The Chair (Mr. Lorenzo Berardinetti): Okay, so we're going to move down the agenda here. There are a number of subcommittee reports that we have to adopt.

The first report is regarding committee business, dated Thursday, August 15, 2013. Is there a motion to adopt the report?

Miss Monique Taylor: I move adoption of the subcommittee report on intended appointments dated August 15, 2013.

The Chair (Mr. Lorenzo Berardinetti): Okay, any discussion?

Mr. Percy Hatfield: Just a clarification, if I could. I wasn't on the committee then. Am I allowed to vote on that, or is that like you can't approve your minutes if you weren't here at the time?

The Chair (Mr. Lorenzo Berardinetti): I think yesterday the motions in the House by the House leader—I

think you are on the committee now, so you have the full rights of any other committee member.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Okay, so there's a motion to adopt by Monique Taylor. Any discussion? All those in favour? Opposed? That carries.

Then we have a second report of the subcommittee on committee business dated Thursday, August 22, 2013. Is there a motion to adopt that?

Miss Monique Taylor: I move adoption of the subcommittee report on intended appointments dated August 22, 2013.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any discussion? None? All those in favour? Opposed? That carries.

We have a third report on committee business dated Thursday, September 5, 2013. Do we have a motion to adopt the report?

Ms. Mitzie Hunter: I move adoption of the subcommittee report on intended appointments dated September 5, 2013.

The Chair (Mr. Lorenzo Berardinetti): Okay. Mitzie Hunter moves adoption of the report. Any discussion? All those in favour? Opposed? That carries.

INTENDED APPOINTMENTS

MS. SHANNON MCMANUS

Review of intended appointment, selected by official opposition party: Shannon McManus, intended appointee as member, Pay Equity Hearings Tribunal.

The Chair (Mr. Lorenzo Berardinetti): We're moving now to item number 5 on the agenda, appointments review. The selection from the official opposition is Shannon McManus as member of the Pay Equity Hearings Tribunal. Is Shannon McManus present? Good morning. Welcome to committee. If you want to have a chair there where the lighted microphone is. We welcome you here.

Before we begin, each party has time to ask questions of you after your presentation. Any time that's used up in your presentation will be deducted from the government time regarding questions.

Ms. Shannon McManus: Sure.

The Chair (Mr. Lorenzo Berardinetti): Okay, so we'll go ahead with your presentation. Again, welcome to committee.

Ms. Shannon McManus: I think I'm going to have a short presentation, but we'll see.

First of all, I'd like to thank the committee for the opportunity to be here and be before you. I'm here because Diane Gee, who was until recently the chair of the pay equity tribunal, asked me a few months back to apply for this position, and I was interested, so I have.

I've been a member on the labour board now for more than seven years. In that capacity, I've worked with Diane. I've worked with other current members, all of them, of the pay equity tribunal—not all of them, most of them—so I have a lot of experience at the labour board with the type of work.

Interruption.

Ms. Shannon McManus: Yes, I'm having trouble too because of the construction—

The Chair (Mr. Lorenzo Berardinetti): We're fighting against the lawnmower there outside.

Ms. Shannon McManus: That's okay.

Interjection.

Ms. Shannon McManus: I will. I'm having trouble hearing as well because of the construction outside. It's everywhere, the construction. I guess it's good. It's good for the economy, anyway.

So in my capacity at the labour board, I do, of course, write decisions and do a lot of mediation and negotiation to try to get expedited solutions to the problems that come before us.

I guess also, my work experience throughout my life, I think, makes me suited to this position. I have experience in the public and the private sectors, a wide variety of work experience. Throughout university, I worked for years as a weekend supervisor for a residence at the Montreal Association for the Blind, for example, and I worked with young people who were all visually impaired. As well, most of them were developmentally disabled, so I have some social services experience.

I worked as a proofreader; I did a lot of work in publishing. I worked as a puzzle-maker for many years; it was actually quite fun. I worked as a teacher—English as a second language. I've also been a substitute teacher. I've done office work. I've done factory work; when I was 14 and 15, in the summers I worked in the garment trade as a bundler, which was quite an eye-opener.

I went on to work at the Toronto Star for many years in the newsroom as an editorial assistant, and I became the chair of the newspaper guild there at the time. I did a lot of work, of course, with negotiations. It was the early days of pay equity, so I was very involved in pay equity at the time. I also worked with the craft unions there; I'm quite familiar with the craft unions in this province as well.

I went on to work as a staff representative with the Canadian Union of Educational Workers in the university sector, so I'm very familiar with that sector as well. I then proceeded to work for OPSEU for a while and eventually ended up at CUPE, where I worked for many years before coming to the board. I worked in many capacities at CUPE. I worked as a researcher, a communications

officer, a rep and executive assistant to the national secretary-treasurer.

I don't know quite what else to say. I think I'm fine with questions.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Each party will have 10 minutes to ask you questions. We'll start first with the Conservative Party. Ms. Thompson.

Mr. Randy Pettapiece: Good morning.

Ms. Shannon McManus: Good morning.

Interjection: Mr. Pettapiece.

Mr. Randy Pettapiece: What are we doing?

The Chair (Mr. Lorenzo Berardinetti): Mr. Pettapiece, sorry.

Ms. Shannon McManus: Do you have a question?

Mr. Randy Pettapiece: I'm just like a cow: I keep going to the same stall. This is me over here.

Ms. Shannon McManus: Oh, okay.

Mr. Randy Pettapiece: Anyway, members of the tribunal are sometimes paid a per diem. Sometimes they're paid otherwise. Have you been advised of any salary, remuneration or what you will be paid?

Ms. Shannon McManus: Yes, I have. I understand it's a part-time appointment. These appointments were full-time. It's now completely moving to part-time, and that's what it would be. I will be paid on a daily basis as I work, as I understand. I believe it's going to be the same rate of pay that it is going to be for the labour board for part-time appointees.

Mr. Randy Pettapiece: Have you been told a dollar figure of what it is?

Ms. Shannon McManus: I believe, for a full day, it's around \$600.

The Chair (Mr. Lorenzo Berardinetti): Mr. Walker.

Mr. Bill Walker: Welcome.

Ms. Shannon McManus: Thanks.

Mr. Bill Walker: A recent court decision determined that pay equalization at the top of the salary scale may count as a sufficient pay equity target. How do you see this decision influencing your adjudications in the cases that will come before you?

Ms. Shannon McManus: I think I know the decision you're referring to, but can you repeat it, just in case?

Mr. Bill Walker: I don't have the very specifics in front of me, but a recent court decision determined that pay equalization at the top of a salary scale may count as a sufficient pay equity target. How do you see this decision influencing your adjudications in the cases that will come before you?

Ms. Shannon McManus: I don't know if I can answer that, to be perfectly frank. It really depends. What amazed me working for the labour board was how almost every situation is unique. You do have to go by the legislation that exists and you have to abide by that legislation. Really, that is going to determine, I think, circumstances. It's going to be entirely based on the circumstances of what you're looking at at the time.

Is that clear at all? It's a hard question to answer.

Mr. Bill Walker: Yes. I think what we're trying to determine is, are you going to go by the letter of what's there as opposed to what may be, in some cases, the right decision? What I'm hearing you say is the legislation could be here, but if legislation is wrong, then legislation, in my mind, needs to be changed, because that person's life in front of you could change because of that.

Ms. Shannon McManus: I don't think that's what I was saying.

I will say one thing about legislation: There are different ways of looking at it. We have a very legalistic—the pay equity tribunal and the labour board. It's a very legalistic system.

I always believe that we need to look at the overriding intent of the legislation, that that is key: What was the intention behind it? It's very important not to, say, take the law and take little bits that would go against that overriding intention when people actually designed and wrote this legislation. I don't know if that helps.

On the other hand, you do have to look at case law and you do have to look at decisions made in the past and that sort of thing. I have written dissents at the labour board based, sometimes, on this, when I felt that the spirit of the law wasn't being advanced by the decision of the majority.

0920

Mr. Bill Walker: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Any other questions? Ms. Thompson.

Ms. Lisa M. Thompson: Yes. Pay equity is based on a weighted points system. We all know that small business is the pulse of Ontario, but there's a bit of a struggle there.

Ms. Shannon McManus: Yes.

Ms. Lisa M. Thompson: In your experience, is there a comparatively effective simpler program to employ for small business? How do we get there, and how do we support them? What's your viewpoint on that?

Ms. Shannon McManus: I think it's even a broader issue. I agree with you about small business. You know what? It's not only about pay equity; it's about all kinds of things we'd like to see in society, like daycare on-site. I mean, there are all kinds of things that can come up.

I'm not sure. I think that what we have with the pay equity—and I was very interested and involved at the very beginning when pay equity was being brought in—is an attempt, to some degree, to close the wage gap between men and women. We have not entirely succeeded, as we know. Women do not make, on average, the same salaries as men. It has always been difficult, when you are dealing with small business and different kinds of employers, to bring in an ideal situation of wage parity.

It's a hard question. I think we have to work with what we've got. If there are any other ideas for improving how it can be done and how we can achieve wage parity, I think that would be great.

Ms. Lisa M. Thompson: Thank you.

Mr. Randy Pettapiece: Have I still got time?

The Chair (Mr. Lorenzo Berardinetti): Mr. Pettapiece.

Mr. Randy Pettapiece: You've worked on pay equity plans before?

Ms. Shannon McManus: I haven't worked on pay equity plans for years. I want to make that clear. I've been involved in almost everything else. My pay equity experience was at the newspaper guild as chair. I sort of supervised the whole introduction of pay equity in bargaining, bargaining pay equity, for the first time at the Toronto Star. I did a bit of work on pay equity at the Canadian Union of Educational Workers, but once I moved to OPSEU and the other places I've worked, I have not done a large amount of work on pay equity.

Mr. Randy Pettapiece: Okay. I'm just going to stay with that, and if you can't answer, or I'm not asking the question properly, then tell me.

Do you have some ideas of how you would approach pay equity these days?

Ms. Shannon McManus: Yes. Okay. I am concerned. I would like to see it expedited. I've had discussions with people who are doing pay equity about this. There have been some great awards that have come down. I think there was a PSAC one a few years ago, but they've taken years and years and years, and suddenly there's an award that comes down. People benefited from that, but it would be good, I think, to try to expedite a lot of these decisions.

I do believe, when it comes down to it, it is often about mediation and negotiation, the way everything stands right now and the way it's being done. I don't know if that helps.

Mr. Randy Pettapiece: It does. It's nice to get these settlements done as fast as we can, and I certainly agree with that. Do you have some ideas of how you would do that?

Ms. Shannon McManus: Well, I think it's mediation and negotiation. I think it's also about, when you're working with people, and this happens at the labour board all the time, you have to go in and tell people that they can't always get the moon, you know—what is realistic for them to achieve; and talk to them about getting something sooner rather than later. That's one example.

Sorry, I'm just losing track here.

Mr. Randy Pettapiece: That's fine.

Ms. Shannon McManus: At the labour board, we also do this. I mean, many, many times, I've gone in and had to tell parties that it may not be in their greatest interest to pursue something, or about the benefits of settlement—not perhaps everything they wanted, but the benefits of getting an issue settled. That has happened frequently.

There are cases, though, that are, in my mind, clear-cut and may have to take time, where you would tell people “no,” to say “stand firm” or “pursue something.” It really depends on the situation.

Mr. Randy Pettapiece: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Any further questions? None? Okay. We'll move on to the NDP. Any questions?

Mr. Percy Hatfield: Good morning.

Ms. Shannon McManus: Good morning.

Mr. Percy Hatfield: Welcome. Thank you for coming.

First, let me commend you as being a pioneer in this subspecialty of labour law, if you will, because when you were dealing with the newspaper guild, with pay equity, that was just when it was unfolding in the industry, was it not?

Ms. Shannon McManus: That's right.

Mr. Percy Hatfield: And you've been on the Ontario Labour Relations Board for a while now.

Ms. Shannon McManus: Yes.

Mr. Percy Hatfield: And pay equity sometimes works its way up that way.

Ms. Shannon McManus: Not with what I deal with. I've been dealing strictly with violations or accusations of violations of labour law.

Mr. Percy Hatfield: But in that general field, you've had conversations, have you not, with people who deal with pay equity legislation?

Ms. Shannon McManus: Yes.

Mr. Percy Hatfield: Have they indicated to you any specific issues or problems with the act that lead to the challenges that come before them?

Ms. Shannon McManus: I have had conversations with some of the people who are currently or have been on the pay equity tribunal. The main concern has been trying to expedite cases so that it doesn't drag on for a very long time, which I think is a fair concern.

Mr. Percy Hatfield: I know that at the municipal level—I just spent seven years as a city councillor in Windsor—pay equity would be something we would deal with from time to time, because it's a never-ending rollout, it's a never-ending domino effect of what goes on within the corporation. I'm just wondering, if you receive this appointment, whether somewhere down the road you would like to see everything so clear and cut and dried that there wouldn't be a need for further challenges, if the act was specific and if there were rules to follow.

Ms. Shannon McManus: I have to say that I don't think that pay equity is a perfect system. What we've now seen out in the world, from what I can see—and that, I have been involved in, somewhat—is job evaluation, which is sort of a spinoff of pay equity. I think it may be here for good. As I said, I think, in a perfect world, job parity and wage fairness would be great, but I don't see it happening tomorrow. I think we will see job evaluation and pay equity here for a very long time.

I am concerned, though, that when settlements are held up for a long, long time, with workers that clearly should receive an increase or parity—and this is through job evaluation as well as pay equity systems. I have seen cases where one sector of a workforce may not see increases that were really necessary, and sometimes employers wanted them to have, by the way, not just unions.

Employers, for market reasons, may want to pay a certain group of employees more, and sometimes that gets held up for a good long time.

That, I think, is one of the intrinsic problems of the way it's working now. I don't have a solution, so please don't ask me for one. I think, though, that all of us should be thinking of ways to improve any system, and pay equity is one, indeed.

To tell you the truth, Diane Gee asked me to apply, and I am interested, but I hadn't put my mind to pay equity for quite a long time, just because it wasn't necessary and I've been concentrating on other aspects of employment.

Mr. Percy Hatfield: And also, it is such a subspecialty that there aren't that many real experts in the field, as I understand it. Most municipalities end up going to one specific person to help guide them through.

Ms. Shannon McManus: Yes, that's always been the case, actually. Even at the Toronto Star, When we were introducing pay equity in those days, we brought in consultants to help with the original plan, because it was all quite new. That was commonplace, yes.

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Mr. Percy Hatfield: Thank you.

Ms. Shannon McManus: You're welcome.

The Chair (Mr. Lorenzo Berardinetti): Any further questions? Ms. Taylor.

Miss Monique Taylor: Good morning. Thank you so much for being here. I applaud the work that you've done in the past.

Ms. Shannon McManus: Thank you.

Miss Monique Taylor: You have a wonderful history in moving the labour movement forward. I think this will definitely be another notch in the belt of the great work that could be accomplished. I know that we will definitely be looking forward to new recommendations because you'll be fresh eyes in that position and making sure that you use that position to the fullest to see how we can move that bench forward and make it a fairer province for everyone.

Ms. Shannon McManus: I will try if I am appointed.

Miss Monique Taylor: I really hope that you do look at that, and don't be afraid to come back with recommendations and to speak up to say that these are the kinds of changes that need to come forward in this Legislature to make that difference.

Other than that, that's all I have to say.

Ms. Shannon McManus: That's great.

Miss Monique Taylor: Good luck on everything.

Ms. Shannon McManus: Thank you very much.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any more questions? We'll move to the government side. I think our deputant spoke for about six minutes—sorry, I'm going to make sure I've got the right time here. I'm sorry, the government has six minutes left; she spoke for nine minutes. Are there any questions? Ms. Hunter?

Ms. Mitzie Hunter: Yes, thank you. Ms. McManus, I want to thank you for appearing before us today and for

your willingness to put your name forward to serve on this tribunal.

I do have a couple of questions. I know you've already certainly given us a great overview of your track record and your history. I wonder if you could just tell us a little bit about what made you interested in taking on an added responsibility, since you are currently serving on the Labour Relations Board.

Ms. Shannon McManus: Well, Diane asked me to because part of it is, as I understand it—I think Diane asked me to because she knows I'm a good worker. And we had had conversations about pay equity long before—you know, brief, incidental conversations from time to time about what was happening in pay equity.

Part of the situation also is the government is trying to be more cost-effective, of course, and the idea of cross-appointments, they felt, would be good, I believe; that people could be doing both: the labour side and the pay equity side. I think it's also good, the cross-appointment idea, personally, because you bring the expertise of already dealing with this type of thing. I think it's less of a learning curve. There will be a learning curve for me with pay equity. I haven't dealt with pay equity directly for a long time, but I don't think it's going to be a big learning curve.

I hope that answers the question.

Ms. Mitzie Hunter: Absolutely. Just to expand on that, what would you say would be your particular contribution that you would like to make to the tribunal?

Ms. Shannon McManus: I'd like to facilitate settlements. That's what I would really like to do. There are always systemic issues with any structure and any—it's not just in government, it's in everything, in private companies as well. But I believe that it is possible to start expediting settlements and getting settlements made quickly—I hope—and I'll try to find ways to do that.

Ms. Mitzie Hunter: Wonderful. We certainly want to get a move on that. I also appreciate your sensitivity to the cost-effectiveness, both within the organizations as well as within the tribunal.

Ms. Shannon McManus: Thank you very much. Absolutely.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any further questions from the government? Mrs. Albanese?

Mrs. Laura Albanese: I would just wish to thank you for appearing before the committee this morning and thank you for putting your name forward.

Ms. Shannon McManus: Thank you to the committee for seeing me.

The Chair (Mr. Lorenzo Berardinetti): That concludes the time allocated for this interview. You may step down. There's one other person that we're going to consider, and then we'll try to move concurrence afterwards. So if you want to please have a seat—

Ms. Shannon McManus: A seat here?

The Chair (Mr. Lorenzo Berardinetti): Yes.

Ms. Shannon McManus: Okay, sure. This is the first time I've done this.

MS. YVONNE BOYER

Review of intended appointment, selected by official opposition party: Yvonne Boyer, intended appointee as member, Champlain Local Health Integration Network.

The Chair (Mr. Lorenzo Berardinetti): The next person up is Yvonne Boyer, member, Champlain Local Health Integration Network. Welcome to the committee. Good morning. If you want to make a presentation, please do. Afterwards there will be questions from the three parties.

Ms. Yvonne Boyer: Thank you. Good morning, everybody. Good morning, committee. Thank you for the opportunity for me to appear here today. I appreciate it.

My name is Yvonne Boyer, and I'm a member of the Métis Nation of Saskatchewan. I have travelled here from Ottawa this morning. I live in Ottawa and I've been there for about 15 years. I'd really like to thank you for the opportunity to consider me for the Champlain LHIN's board, and my anticipated contribution to that board as well.

You may have had time to peruse my resumé or not, but before I became a lawyer, I was a nurse, so health care is in my blood, so to speak. As a young child, I lived with my auntie, who told me endless stories of growing up in a tuberculosis sanatorium in Fort Qu'Appelle, Saskatchewan. These were my bedtime stories. Some of these stories were good and some of them were bad, and I grew up with a huge imprint of what health care is and its impacts on First Nations people.

I also learned a bit about traditional health care and the methods that our elders used to take care of themselves and to prevent and treat illness. When I became a nurse, I worked at small hospitals in central Alberta and I often took care of the patients from the Hobbema reserve. I found myself taking operating room nursing in the 1980s, and I worked in operating rooms in Regina, Moose Jaw, during the Gulf War, at the Canadian Armed Forces base at CFB Stadacona in Halifax.

I stopped nursing in about 1982. I moved into law for various reasons, and I've been compelled ever since to use the law to advance aboriginal health in Canada. This is my life work and it's my passion. I study the intersect between the law and health. But my motivation to seek this appointment comes from my desire to keep learning. I applied specifically for this board because I'll learn how the system works. I expect we will develop somewhat of a symbiotic relationship, and I will learn as much as I will give.

I expect to look at the issues that the board deals with from an aboriginal health perspective and a community-based voice. I hope to speak on behalf of people who traditionally have had very little voice for various reasons, and I hope the fact of me sitting there means I will be able to provide a perspective that the board may not have had otherwise.

The issues that the population faces at the Champlain LHINs are the same issues that aboriginal people face, except aboriginal people are generally at the lowest

socio-economic rung and have a poor health status, with disproportionately high rates of diabetes and cardiovascular disease, among others. They often suffer from poverty and low educational standards, and I believe my presence on this board will help make a small difference. It won't solve all of the problems, but it will help.

What will I bring to the board of the LHIN? Well, I know what it's like to work in the trenches. The fact that an aboriginal person is sitting on the board with an eye to looking at the issues from an aboriginal perspective will be beneficial to the community. I will bring my community-based perspective to the board.

I've sat on the Minwaashin Aboriginal Women's Support Centre in Ottawa for the past seven years. This is a continuum of care where women who have been victims of violence can access health care at Wabano—culturally based health care. They can safely escape the violence through our 21-bed shelter—it's the only aboriginal one in Ottawa—and they can attend the programs at the lodge. These are culturally based employment readiness, and women are helped back to their feet.

We worked with the STORM van, the Sex Trade Out Reach Mobile. We deal with the women who are involved in the sex trade on the street, and there's a high level of Inuit women on these streets. I know these women and I can assist the LHIN's board in looking at the issues that they have to deal with from an aboriginal perspective.

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To a lesser degree, my legal background and experience on a board is important as well. In my practice, I enjoy working with bylaws and non-profit boards, and I have a good eye for detail and structure. I also sit on the board of Save the Children Canada, so I have many years of board experience.

I welcome this opportunity to answer your questions. Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much, Ms. Boyer. We're going to start first with the NDP party to ask questions: 10 minutes. Are there any questions from the NDP?

Miss Monique Taylor: Of course.

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor.

Miss Monique Taylor: Good morning.

Ms. Yvonne Boyer: Good morning.

Miss Monique Taylor: Thank you so much for being here with us today and for taking the time to travel from Ottawa. We appreciate you coming forward today.

I was looking through your resumé and the absolutely fabulous work that you've been doing in the community and with the First Nations people. I think it's important that their voices be heard within the LHINs.

What is it that you hope to achieve, and what is your final-outcome goal, to make life better there for folks within the health care system?

Ms. Yvonne Boyer: I think I can assist the LHIN's board in looking at the issues that they deal with from a community-based perspective and in actually looking at

their priorities and looking at a shared-priority model with an aboriginal perspective in that as well.

I think when I get on the board—hopefully, I will get on the board—that I will be able to speak for the people who have traditionally not really had a voice to speak with: some of the women that I had mentioned earlier.

Miss Monique Taylor: Was there a reason specifically why you chose this agency to be on? What motivated you to join the LHIN?

Ms. Yvonne Boyer: I think because it's a systemic issue and I do—I spent a year and a half with the Canadian Nurses Protective Society. At that point, I was able to learn about the issues that nurses deal with, from a Canada-wide perspective, in the civil courts and in the criminal courts.

For me, everything that I do, I'm able to take and digest and add to my knowledge base. I feel I have a life-long learning program, and they're going to be teaching me a lot. It's a systemic—I want to know about how this works. How does it actually work? I'm very anxious to learn about that.

Miss Monique Taylor: So you weren't specifically asked—

Ms. Yvonne Boyer: No. It was me picking—

Miss Monique Taylor: You did it—

Ms. Yvonne Boyer: I checked off all the health boards, and I was lucky enough to get this one.

Miss Monique Taylor: Interesting. Thank you, Chair.

The Chair (Mr. Lorenzo Berardinetti): Mr. Hatfield.

Mr. Percy Hatfield: Good morning. Thank you for being here. I'm new. I just had my first day in the Legislature yesterday, so I'm not sure of my questions to you.

I'll be honest with you: I know nothing about your LHINs. I'm from Windsor. Are those meetings open to the public?

Ms. Yvonne Boyer: I don't know, actually. I don't think so, but I don't know why they wouldn't be. I haven't heard of public going in, but it's quite possible that they are open and people would be welcome. I don't see why not.

Mr. Percy Hatfield: I know that in the great southwest, the LHINs down there at one time weren't open and there was a media outcry. Then they finally opened them.

Ms. Yvonne Boyer: Yes, I agree. I think that they should be open, and they probably are. I don't know why they wouldn't be, because we're serving the people.

Mr. Percy Hatfield: I know there has been criticism of the LHINs from some parties—not necessarily political parties, but some parties in the greater community. I don't think the term “shrinking violet” would describe you at all, so I imagine you're going to be very active and very vocal as a board member.

Ms. Yvonne Boyer: Respectful, though.

Mr. Percy Hatfield: Of course; as we all are, I hope.

I've been told that at least in one instance, the person that runs one of the LHINs in this province has managed to convince the board to give this person a golden

parachute if the board ever decides to part ways with the person running the LHINs. I guess it's good for him, bad for the taxpayers; the money could be used elsewhere.

I guess my question, or my challenge, to you is, if you get this appointment and go on the board, would you commit to the committee that you will look into what severance provisions there may be for the senior staff at your LHINs, and if it seems out of whack with what the general taxpayer would expect, would you attempt to make a change?

Ms. Yvonne Boyer: Yes, of course. Anything that's based on evidence, I would, definitely—definitely. I wouldn't comply with anything that was not totally above board.

Mr. Percy Hatfield: Thank you.

Ms. Yvonne Boyer: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Further questions?

Miss Monique Taylor: I see through your application process that you applied for several boards. Was there a ranking to those? Was there a reason—I mean there's parole, there's human rights, there's police commission and then there's the LHINs. So what would you have ranked where you would prefer to have been?

Ms. Yvonne Boyer: I think probably with the LHINs, because all of the other issues, the base is health. As you can see, my CV is health and the law, and the intersect between the health and the law. The parole board, definitely—anybody that's on parole certainly has health issues. One affects the other.

Health is the centre of the universe; it's the centre of everybody's being, so for me to be able to look at the LHIN's board and be able to see how they function—I'm going to learn about how that would affect people in the corrections system. I'm going to learn about the human rights, as well.

My background is with human rights. I was a Canadian human rights commissioner for three years, and I looked at the human rights issues from a health perspective, from an aboriginal perspective as well. So I'll be doing the same thing, even though I have an interest in all of those areas.

Miss Monique Taylor: Thank you very much. No further questions, Chair.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll then move on to the government, and the government has I think it was six minutes left; 5 minutes and 30 seconds, sorry. Any questions? Mrs. Albanese.

Mrs. Laura Albanese: I will start. First of all, thank you for being here and thank you for seeking a public appointment. I believe that it's good that we have more women, and especially with a number of general backgrounds, such as you.

I was going to start by asking you what had motivated you, but you specifically mentioned the genuine interest and curiosity to keep on learning. I think that's a great asset, to want to learn how things work. Obviously, your background and your experience in health and in the aboriginal sector also will really help.

You worked for the aboriginal health organization, the native women's association. You've done a lot of research on your own. How will that help you? What will you bring from that to the LHIN?

Ms. Yvonne Boyer: The Aboriginal Healing Foundation brought me to Ottawa in 1999, and they were the organization that held a \$350-million trust fund to assist people healing from physical and sexual abuse resulting from residential schools. My grandmother was in a residential school, so everything that I touch on is part of me. So my work with the healing foundation was part of me. I was doing it for my grandmother and for all the other grandmothers, and the children and the children's children, the five generations that have been affected.

When I moved over to their sister organization, the National Aboriginal Health Organization, it was an opportunity to use my legal skills in a wide, systemic way once again. I was their legal adviser and their senior policy analyst, so I was able to blend the law, policy and aboriginal health. I published a discussion paper series at that time, called Aboriginal Health: Legal Issues. I touched on aboriginal and treaty rights, constitutional status, fiduciary obligations, women's health, international health, all dealing on an aboriginal health perspective.

Everything that I've done has been a building block for what I was able to culminate in the end with a PhD in law. Now, I've created—I know I'm very passionate about what I do and I'll stop after this, but I have a book that's going to be published in just a few months. What it does is, it lays out a framework to help advance aboriginal health in Canada, and it's a legal framework. It'll be coming out—I don't know if I answered your question or not. Whatever I do is from the heart, and it's a building block for me.

0950

Mrs. Laura Albanese: That passion, I'm sure, will serve you well.

Ms. Yvonne Boyer: Thank you.

Mrs. Laura Albanese: I believe my colleague has a question for you, or two.

Mr. Vic Dhillon: Yes. Can you tell us a little bit about how you heard about this position and what sort of inspired you? I think you partly answered the question, but what inspired you or led you to believe that you would do a really good job?

Ms. Yvonne Boyer: I know that the aboriginal person before me who was on this board was Mike DeGagne, and I only knew about that when I attended his installation as president of Nipissing University. Mike was my boss during the Aboriginal Healing Foundation, and I know that the work that he did with the LHIN's board on aboriginal issues was just a beginning, so I'm hoping I can take it from there, from the beginning, and take it a few steps further to look at some of the issues that had already begun.

I've noticed on the website that they are thinking about aboriginal issues. They're advertising for an aboriginal liaison with the communities of the Champlain district. They're advertising for an aboriginal cancer

liaison with the communities. So things are moving, and I'm hoping to be able to see where it is now and be able to advance it just a few steps further, as much as I can, during my time there. So I'm taking over from where Mike DeGagne left off.

Mr. Vic Dhillon: Good. That's nice to know. Thank you very much.

Ms. Yvonne Boyer: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Ms. Hunter.

Ms. Mitzie Hunter: Ms. Boyer, I want to say thank you so much for putting your name forward to take on this very important and challenging role. As my colleagues have said, the passion that you bring and your understanding of the aboriginal community will serve you well, should you be appointed, so thank you.

Ms. Yvonne Boyer: Thank you very much.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll move on to the Conservative Party for any questions. Ms. Thompson?

Ms. Lisa M. Thompson: Thank you for being here. My question reflects back to the Auditor General report, where it reported that, unfortunately, the Champlain LHIN was the worst reported LHIN in Ontario for long-term-care wait times.

Ms. Yvonne Boyer: Right.

Ms. Lisa M. Thompson: So given your vast experience, what would you do to encourage LHINs to work better with CCACs to bring down this wait time and to really funnel those funds straight through to front-line care?

Ms. Yvonne Boyer: I agree. I read that as well, and I'm concerned as well. I think I have to get on the board to find out where they're at, but I do think that sometimes reorganizing and restructuring—and it may have already happened. I don't know, because I don't know enough about it, but I'm certainly committed to knowing, and I will do whatever I can do to assist in that area, because I'm concerned as well.

Ms. Lisa M. Thompson: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Further questions? Mr. Pettapiece?

Mr. Randy Pettapiece: Thank you for coming today. Is Merrickville real close to Ottawa?

Ms. Yvonne Boyer: Yes, it's 45 minutes away.

Interjection: It's near Kemptville.

Ms. Yvonne Boyer: It's near Kemptville—yes, between Kemptville and Smiths Falls.

Mr. Randy Pettapiece: Okay.

Ms. Yvonne Boyer: I have 15 acres there of peace and quiet.

Mr. Randy Pettapiece: I've been through it, but I didn't think it was that close to Ottawa. Of course, then, I have issues finding my way around anyway.

Anyway, you may have heard that the government is cutting back on physiotherapy for seniors. Many seniors are receiving discharge letters from the clinics that used to care for them, even in retirement facilities. Would you agree that a focus on preventative measures pays off in

the long term, and how would you encourage the LHIN to develop better prevention and better overall care?

Ms. Yvonne Boyer: Well, I'll have to see where they're at right now—again, looking at the organization and the structure and working with what we have to advance some of these areas. I mean, I think that's an important issue as well.

Mr. Randy Pettapiece: When this happens, it's difficult. LHINs have had issues in the past: They have a program going and then, all of a sudden, the money is taken out of it, so it's difficult for an organization to operate under those circumstances.

Ms. Yvonne Boyer: Yes.

Mr. Randy Pettapiece: We have had many complaints from senior citizens. I would just as soon have people doing preventative medicine as having to go the other way and maybe ending up in a hospital. So I guess it's a management thing that maybe you'll be required to look at as to how we're going to try to get that care enhanced a little bit, because of the dollars that have been taken away from it. I wonder if you've had any thoughts on that.

Ms. Yvonne Boyer: I certainly will be looking at that. I'm sure that's one of the issues that the LHIN's board does look at. When I'm a board member, I will be looking at that, definitely.

The Chair (Mr. Lorenzo Berardinetti): Mr. Walker.

Mr. Bill Walker: Thank you, Mr. Chair. Welcome again.

Ms. Yvonne Boyer: Thank you.

Mr. Bill Walker: As you're aware, the Champlain LHIN encompasses a very large area, from Renfrew county down to the Quebec border. As you broaden the area that an agency administers, the local influence and local input sometimes get lost.

Ms. Yvonne Boyer: Yes.

Mr. Bill Walker: I'm actually sitting in today for Jim McDonell, who's on the TV screen behind you, doing another matter from consumer affairs.

One of the challenges that happens is, seniors requiring care get shipped further and further from home. One of the specific things that he has witnessed is people that are getting sent from Cornwall, for example, to francophone Bourget, 64 kilometres away. That becomes more and more prevalent. Of course, that's not a comfortable position for the patient to be in. If an anglophone is in a francophone community, that's not as easy as it may seem.

Considering these challenges, I just want to get your sense of where you stand on this issue and what you will do as a champion to advocate for that.

Ms. Yvonne Boyer: I certainly will be a champion to advocate, because I have seen these same types of issues in the aboriginal communities—the women who are getting evacuated out to have children. They're leaving their families behind. It's a dreadful experience for the women. I see that. I see it as aboriginal issues too, that aboriginal people are caught in the same thing. I mean, who really wants to be transported out like that?

I would be a champion. I'll be alert to those issues and I will speak on behalf of the people. I will.

Mr. Bill Walker: Chair, if I could, one more quick one?

The Chair (Mr. Lorenzo Berardinetti): Mr. Walker.

Mr. Bill Walker: I actually have two First Nations communities in my riding as well, so I note here that there is—obviously, you have a great history and passion with First Nations communities. Is there anything specific that I could take from you back to my riding to help how the LHIN administers specifically to a First Nations community?

Ms. Yvonne Boyer: Yes, definitely. Let's look at shared models. Let's look at working together—together, rather than being separate. We have so many common issues that if we sit down together and look at recruitment, retention, cultural issues and traditional healing, we look at a whole series of a continuum of care—that the LHIN's board can work with the First Nation and the Métis communities in the area.

Mr. Bill Walker: Just a point of clarity for that as well: I just want to make sure I'm hearing the same thing as what I'm thinking. Part of that is an integrated approach by both of those communities, as opposed to different sub-services for a very specialized community.

Ms. Yvonne Boyer: Absolutely. Let's work together.

Mr. Bill Walker: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any further questions? No?

Ms. Boyer, that completes all the questions. Thank you very much. If you want to, just have a seat.

The committee will now consider the two appointments. What we'll do is we will move to the first appointment, which is Shannon McManus, to be appointed as member of the Pay Equity Hearings Tribunal. Would someone please move concurrence?

Mrs. Laura Albanese: Chair, I move concurrence in the intended appointment of Shannon McManus, nominated as member of the Pay Equity Hearings Tribunal.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. Albanese.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I'm trying to memorize—Mr. Hatfield.

Mr. Percy Hatfield: I didn't know if somebody had to support that or if it was just moved.

The Chair (Mr. Lorenzo Berardinetti): We're just going to move to a vote in a moment. Ms. Albanese has moved concurrence.

All those in favour, please raise your hand. Opposed? That carries.

Congratulations, Ms. McManus. You've been approved by this committee.

The second appointment is for Ms. Yvonne Boyer. Will someone please move concurrence in this appointment?

Mrs. Laura Albanese: I move concurrence in the intended appointment of Yvonne Boyer, nominated as member of the Champlain Local Health Integration Network.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. Albanese.

All those in favour? Opposed? That carries.

Congratulations, Ms. Boyer.

I hope both of you enjoy your jobs and do a great job for the government. Thank you.

Next on the agenda is report writing. It's already five after 10. I don't know if we should clear the room.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Do you want to recess for a couple of minutes? We'll come back at 10 after 10.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry; that clock is a bit wrong. It's actually 10 o'clock. That's off by five minutes.

Miss Monique Taylor: Do we need to recess? Are we done the report, honestly? I think we're—

The Chair (Mr. Lorenzo Berardinetti): Okay. As long as nobody wants to take a break, I'm fine continuing and going on.

Miss Monique Taylor: We just don't have a lot of time left.

The Chair (Mr. Lorenzo Berardinetti): So we'll go into closed session. Can we ask all other non-committee members to vacate the room?

The committee continued in closed session at 1000.

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ISSN 1180-4335

**Legislative Assembly
of Ontario**

Second Session, 40th Parliament

**Assemblée législative
de l'Ontario**

Deuxième session, 40^e législature

**Official Report
of Debates
(Hansard)**

Tuesday 24 September 2013

**Journal
des débats
(Hansard)**

Mardi 24 septembre 2013

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 24 September 2013

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The committee met at 0903 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr. Lorenzo Berardinetti): Good morning, everybody, and welcome to today's meeting of the Standing Committee on Government Agencies. Today is Tuesday, September 24, 2013. It's sunny and cold outside but it's a nice day.

Anyway, the first item on the agenda we're going to start off with is the report of the subcommittee on committee business dated Thursday, September 19, 2013. Do I have someone to move adoption of the report?

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointees dated September 19, 2013.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? None? All those in favour? Opposed? That carries.

INTENDED APPOINTMENTS

MR. JOHN BERGSMA

Review of intended appointment, selected by official opposition party: John Bergsma, intended appointee as vice-chair, Ontario Clean Water Agency.

The Chair (Mr. Lorenzo Berardinetti): Let's go on, then, to the appointments review. We have three of them today, so we'll start with our first one. The intended appointee is John Bergsma, nominated as vice-chair, Ontario Clean Water Agency. Please come forward and take a seat. Good morning.

Mr. John Bergsma: Good morning.

The Chair (Mr. Lorenzo Berardinetti): Just to remind you, as committee members know, each party is allowed to ask 10 questions. You're allowed to—10 questions—10 minutes of questions. Sorry. It's interesting; we should have 10 questions per party. But we'll start, anyway, with the fact that you can make an introduction. Then, after the introduction, we'll rotate around and ask you questions. Any time that you use doing your presentation is deducted from the government side. So, good morning, and you can begin now.

Mr. John Bergsma: Thank you very much. It's a pleasure to appear before this committee. It's been drawn to my attention that you may have a resumé that's dating from my initial appointment to the OCWA board going

back as far as 2007. In short, let me just bring you up to date.

I've been a president or a CEO most of my career, almost always in circumstances that called for transformation. So I've been a change agent. Although my pedigree, as I sometimes call it, was in manufacturing and in those roles with significant water users, I spent over 25 years as CEO in energy and utilities corporations, a corporate sector I think that has much in common with the Ontario Clean Water Agency, OCWA.

I've now retired from Niagara region and focus my efforts on several corporate directorships, including having become chair of a small publicly traded company, community boards, and executive coaching. Among my university degrees is an engineering graduate degree in water resources—part of my lifelong interest in water and how to use it. Perhaps that interest came about because my family was affected by the great North Sea flood in the Netherlands, perhaps because nearly 25% of the world's fresh water flowed through my backyard in Niagara.

I've run corporations of the scale and scope of OCWA. I know the importance of maintaining and building a positive reputation with municipalities and communities. I know the importance of satisfying customers. I know the importance of being a low-cost operator. I know the importance of growing a business. Lastly, I know the importance of governance.

With my extensive board work, I was an early graduate of the Institute of Corporate Directors' director certification program. Thank you for your consideration.

The Chair (Mr. Lorenzo Berardinetti): All right, thank you. We'll start the questioning today with the official opposition—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry, the government. The government has up to 10 minutes to ask questions, if any, and then we'll rotate around the table.

Mrs. Laura Albanese: So we're starting? Okay. I thought you were starting with the official opposition.

The Chair (Mr. Lorenzo Berardinetti): My apologies too.

Mrs. Laura Albanese: Okay. Thank you.

First of all, thank you for appearing before the committee this morning, and thank you for your presentation—very interesting. I mean that your family came

from the Netherlands and the fact that you witnessed the floods there—that you know about that—and the fact that, as you said, your home is near 25% of the world's fresh water, so that would make it quite fitting.

I just have one question. What have you learned—you mentioned you were a board member since 2007. How does that prepare you for your new position?

Mr. John Bergsma: I think in a number of ways. Firstly, to your point about what I've learned, I think that the number of talented professionals that OCWA has among its rank is probably the largest collection of highly competent water and waste water professionals in the country. They are committed to keeping OCWA as the best provider of water and waste water services in Ontario.

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When OCWA changed its format to having a number of people outside the public service on its board, I think one of the things that came into play was the importance of growing the business, taking advantage of the skill sets that existed, the capacities that were there and responding to the then Premier's challenge about the importance of water to this province. I think OCWA is trying to take up that challenge.

There are some issues that have to be overcome. I think that, firstly, as one of the board members, I'm familiar with those issues. And as part of the board and its role and strategy, I think I have contributed towards creating the vision that will take us forward to really make OCWA a trusted world leader in water.

Mrs. Laura Albanese: You mentioned that there are some issues to overcome. Could you elaborate on what those would be?

Mr. John Bergsma: In some ways, being members of the Ontario public service creates opportunity, but it also sometimes creates some constraints that can be challenging. I think that OCWA is in fact in a competitive business environment but is a government agency, and sometimes the urgency, the ability to make quick decisions, and being part of the public service aren't always correlated to the extent that the board would like, frankly.

Mrs. Laura Albanese: I hope that you will be able to make a particular contribution in that matter. I want to ask my colleagues if they have any further questions.

Ms. Mitzie Hunter: Yes. I wondered about any specific considerations for First Nations communities that you're aware of, based on your experience on the board thus far.

Mr. John Bergsma: Among OCWA's mandate is to be the water supplier or the waste treatment supplier for communities that are challenged in that regard. There's a correlation between size and ability to afford and operate facilities. OCWA has, I think, somewhere between 12 and 15 First Nation clients. We have a capability within the organization that specifically addresses the small community challenges that First Nations—they're not the only ones to face those challenges, but the First Nations we serve certainly have those challenges. And we generally have had First Nation representation on our board.

The Chair (Mr. Lorenzo Berardinetti): Thank you. *Interjection.*

The Chair (Mr. Lorenzo Berardinetti): Mr. Bartolucci.

Mr. Rick Bartolucci: Thanks, Chair. Just one comment—it's not in the form of a question. Obviously, with your credentials, you could be doing a lot of things. I want to thank you, if the committee deems you successful in this, for serving your province in this way. Plus, it's a very, very important agency. I come from a city that has 331 freshwater lakes within its city boundaries, and I don't think there are too many cities in Canada or anywhere else that can say they have that many freshwater lakes within their boundaries. It is important that we protect our water.

You come with a great deal of credentials, and if the committee so chooses to approve your nomination today, I just want to thank you for serving.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much. We'll now move on to the official opposition party. Any questions? Mr. McDonell.

Mr. Jim McDonell: Sure. Thank you for coming in today. I guess, as a municipal councillor, you had some experience with Aquabec about 15 years ago. How long have you been on the board?

Mr. John Bergsma: I've been on the board since 2007. I think I was the second person appointed who was not a member of the OPS.

Mr. Jim McDonell: I know you bring a lot of experience from the various roles throughout your career. What issues do you see at OCWA today, and where do you see changes you might bring in to the—

Mr. John Bergsma: I think there are challenges. Some of the external corporate competitors seem to have cut back their activity in Ontario. Part of the reason for that, I think, is that some municipalities have made a determination to bring back in-house, if you will, their water and waste water services. So our principal competition, probably, are municipalities themselves as opposed to other third party providers, although they are still in the mix.

One of the challenges there is that it's not easy to get an apples-for-apples comparison always on what the true cost of operating a system is. So that sometimes makes it difficult to make the case for OCWA if a municipality is of a mind to bring the work back in-house. The other side of that coin, then, or that equation, is to make sure that OCWA has the capability, has the reputation, has the community relationships to grow its business, to the extent that there are opportunities in the province. Two recent cases are the Lambton and Elgin water systems that have now contracted with OCWA, so that's new business for OCWA.

But we also see opportunities with the new role in promoting innovation in the water sector—technical innovation—to take some of that Ontario-grown capability and export it beyond the province. So there may be opportunities to grow the OCWA franchise, if you will, beyond the borders. Obviously, when you do

that, there are challenges in setting up outside our home base.

The Chair (Mr. Lorenzo Berardinetti): Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you. You've had quite a bit of experience in restructuring and overhead reduction, at least by your resumé here. Are there some efficiencies that can be found in OCWA to help reduce some of this stuff? I'll tell you where I'm coming from. I was a municipal councillor before I came here. I shuddered at some of the legislation that has come down because it does cost a lot of money to do some of these things. I do believe that most municipalities did a pretty good job of protecting their water systems and all this type of thing. I understand there has to be rules and regulations, but I think some of it may have gotten a little bit emotional. I just wonder, sir, if there's some way that you could see it reducing overhead and that type of thing to help out with this.

Mr. John Bergsma: Firstly, let me say that I think that it is a constant and continuing focus by the board and therefore by senior management at OCWA. I think their general sense is that their productivity can match any player in the sector. I don't know absolutely whether that's true or not, in part because the sort of best-practice comparisons are hard to get on an apples-for-apples basis. What I do know goes back to my manufacturing pedigree, as I talked about. In most manufacturing organizations, we would have, then, industrial engineering staff. What industrial engineers do is spend their time on process improvement, on finding ways to make the product, to run the operations, to use systems that are more productive all the time. So the notion of continuous improvement was always part of core competencies in manufacturing.

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Having spent some time in the municipal sector myself trying to operate some of those back-office services, I don't think there's always the commitment to that industrial engineering—that is, process improvement—that I'm used to. To that extent, I think it is important to be constantly vigilant and, in fact, to create capacity and to have measures that will enable us to drive productivity improvement. Partly to that, OCWA is currently in progress with making significant investments in modernizing all of its operating systems. From a board perspective, we want to make sure that, in doing that modernization, we also take full advantage of the productivity improvement opportunities that come with those new systems and that new technology.

Mr. Randy Pettapiece: I think that's all.

The Chair (Mr. Lorenzo Berardinetti): You have a few minutes left.

Mr. Jim McDonell: Just one question. I know, coming from a rural municipality, some of the issues we have. We took over our water and waste water treatment facilities from OCWA some 15 years ago. One of the challenges that we have being small is coverage on off-day periods. Do you see that as an area where OCWA

might get—I mean, there are a lot of these small facilities around and there are challenges working with them. As someone who's a consultant, but almost as—to fill the gaps for vacation and different things. Is that a place where you might grow the industry, or is there an opportunity there?

Mr. John Bergsma: I think that probably the answer to your specific question is yes. In a more general sense, I think OCWA is working at promoting and selling a number of value-added services to smaller municipalities, but even to medium and to bigger municipalities, taking the expertise that they have and the knowledge they have of pretty much every system in use in Ontario. They're in a really good position to provide advice, to provide designs, to provide backstop capability. I think that OCWA will be and is offering some of those services, but doing even more of that as we go forward.

The Chair (Mr. Lorenzo Berardinetti): Time is up according to my stopwatch. Thank you.

So now I'll move to the NDP. You have up to 10 minutes to ask questions.

Mr. Percy Hatfield: Good morning, Mr. Bergsma. Thank you for coming in today. I wrote down a quote. I believe it was, "OCWA was the best provider in Ontario." I'm just wondering—I know my colleague and friend from across the aisle asked about First Nations communities, and I believe you had 12 or 14 First Nations communities that you're providing services for.

Mr. John Bergsma: Yes. Don't hold me to that exact number; it does change a bit from time to time because some come in and some go out. But I think that's roughly right.

Mr. Percy Hatfield: What's your experience in those communities with boil-water advisories?

Mr. John Bergsma: I can't tell you with absolute certainty, but we do track boil-water advisories. I can't remember the last time OCWA has run a system that has had one, which is not to say they don't happen from time to time. One of the challenges for OCWA is that it has been the operator of the systems—whether it's water treatment or waste water treatment—but they have not been the owners of the assets, so the plant is owned by the municipality or the First Nations community. So if there are specific circumstances, like the water source has some issues and the plant doesn't have absolutely the highest standard of equipment, OCWA has to operate what it has. So sometimes you do get issues driven by the capital that's been invested, as opposed to operations challenges.

Mr. Percy Hatfield: In that case, then, OCWA doesn't provide the infrastructure. It gets a contract and runs the service with the facilities there, but it doesn't provide infrastructure to upgrade that service.

Mr. John Bergsma: That is correct.

Mr. Percy Hatfield: Do you do anything in the municipality of Pelee Island?

Mr. John Bergsma: I don't know. It does not ring a bell with me, so perhaps not. We serve over 180 communities.

Mr. Percy Hatfield: Yes. I know they've been under a boil-water advisory forever—I don't know, 15, 20 years or more. But recently there was some money given to try to upgrade—

Mr. John Bergsma: Given that, I don't think so.

Mr. Percy Hatfield: All right; thank you. I'm just reading the financial information. You've lost a number of contracts. Some municipal clients have decided either to manage their own systems or seek out lower-priced service delivery options. We saw recently in the province when lower-priced service delivery options led to some problems in chemotherapy. Are there dangers when municipalities seek out lower-priced options, when they go to the low bidder on a provider such as this?

Mr. John Bergsma: That's a difficult question, Mr. Hatfield. I think it is up to the municipality, when it does that, to make sure that it has set out in its RFP the full requirements for making sure that the provider is capable of complying with all of the measurements that are required to be monitored. I can really only speak for OCWA. You talked about First Nations. If there were ever to be an issue, OCWA has the capability—and indeed has it set up so to do—to fly in additional resources on an emergency basis. So that is a capacity that OCWA has that generally other players and certainly municipalities on their own would not have. They might then call on OCWA, but then it's an indirect initiative as opposed to a direct initiative.

Mr. Percy Hatfield: That's good to know. Walkerton—the lessons learned at Walkerton. Is there still more to do, more to learn, more ways to improve the overall system in this province?

Mr. John Bergsma: My first answer is that I think that all of the lessons in operating systems that have come out of Walkerton are being implemented, either by OCWA or by other municipal or private sector operators. Is there further room for improvement? In the context of my earlier comments about industrial engineering, I would say yes, to the extent that systems have exceedances when there are flood conditions, for example, or heavy rains on their waste water side. The trade-off there is between the investment in additional plant and additional technology versus the frequency of those kinds of events. So yes, there are always opportunities. Do we have the balance reasonably right these days? I guess that's really more of a political judgment than it is a technical judgment. Technically, we could continue to move forward; structurally and organizationally, OCWA will.

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The Chair (Mr. Lorenzo Berardinetti): Thank you. Miss—I always think of Monique Smith, so I do apologize—Monique Taylor. Thank you.

Miss Monique Taylor: Thanks, Chair. Good morning. Thank you for being here with us today. So you've been on the board since 2006—I believe that's correct—and you've spent quite a bit of time on the board, I'm sure learning quite a lot. What motivated you to want to be the vice-chair now, and what is it that you think you can bring to the table in that position to make it better

financially? What do you think you can do to move the yardstick?

Mr. John Bergsma: Well, I think that continuing to refine and promulgate a vision for OCWA as a modality for this province to take its unique capabilities or unique position in water forward is an interesting challenge that requires, in the first instance, board leadership in articulating what could be. I would find that interesting and challenging.

To the extent that your question—why do I aspire to this? Well, maybe, strictly speaking, I didn't, but I was asked to do it, and I believe that I am qualified to do it. I would find the challenge interesting because of all the things I've already said. I've been on the OCWA board for some time, and sometimes it's time to get new blood, but maybe another way to do that is to get a slightly different role. I think that people thought I might do the latter.

Miss Monique Taylor: May I ask who asked you to take the position?

Mr. John Bergsma: Well, I'm not sure. The question about my willingness to serve in that role was put to me by the chair of OCWA.

Miss Monique Taylor: All right. I just hope that in your position you can—we've heard about water advisories and boiling, and I know that the Six Nations reserve right next to my riding has been under a boil-water advisory for years and years. And it would be nice to see different parts of the province not have to worry about the water that they're drinking, and know that, at the same time, we're keeping our lakes safe. So good luck in your role, and do us well.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Bergsma. That completes the questions. We'll deal with the concurrences at the end of the third—we have three intended appointees for today, so you're welcome to stay, and then we will decide whether or not to concur in your appointment. So we're going to move on to the next person, but you're welcome to stay.

MS. CLAUDETTE PAQUIN

Review of intended appointment, selected by official opposition party: Claudette Paquin, intended appointee as member, Ontario Trillium Foundation.

The Chair (Mr. Lorenzo Berardinetti): The next individual is Claudette Paquin. I hope I pronounced that properly.

Ms. Claudette Paquin: Good morning.

The Chair (Mr. Lorenzo Berardinetti): Good morning, and welcome to the committee. You have up to 10 minutes to make your presentation. Any time that you use for your presentation will be deducted from the government side. You can use the whole 10 minutes, or use only part of it, and then we'll rotate and each party gets 10 minutes for questions.

Ms. Claudette Paquin: I haven't written a presentation per se. I was coming here to answer questions, so

I'm not sure what kind of presentation people do in that context.

The Chair (Mr. Lorenzo Berardinetti): You don't have to present.

Ms. Claudette Paquin: Okay.

The Chair (Mr. Lorenzo Berardinetti): We can move directly to questions, and if we do, this time we'll start with—the NDP will ask questions first. So if the NDP have any questions—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Okay. I'm just being advised by the Clerk that the official opposition goes first this time. So go ahead and ask any questions.

Mr. Jim McDonell: Thank you, Chair. Thank you for coming out today. I guess most people here have worked with the Trillium association, and there's always some controversy with them. Do you see, with some of the reports out, where you might feel that there needs to be some improvements or some measurable outcomes with Trillium?

Ms. Claudette Paquin: Well, I read the material and I saw the part of the auditor's report with the recommendations, and that's definitely an area that's a governance issue, that's a board's issue, to work with the president and executive director to make sure that there are processes in place for accountability from organizations that we fund at the Trillium Foundation. To my knowledge, that was the main point of the auditor's report.

The vision? I totally concur with that vision. I don't think I would have even stepped forward if I didn't think that to strengthen the volunteer sector in communities is the wrong path—I think it's the right path. I've been a volunteer all my adult life, and I think the approach to strengthening their work is very healthy for communities, and it will make communities more active, more involved. I'm all for that.

I haven't sat on that board, so I haven't seen anything that indicates to me that this mission needs to be revisited, but definitely, the auditor's report focused on the processes within the accountabilities and reporting.

Mr. Jim McDonell: I guess, being somebody that's applied sometimes—projects that look like quite the type of project that Trillium should take on sometimes don't get approved; others, you kind of wonder about. Really, from a volunteer point of view, Trillium is your only option to give money that really has a chance to resonate in the community and help them along. But do you see anything as far as making the choice maybe more prescriptive or more predictable to the people involved—knowing whether they should apply or if their projects are that type that would apply, or just improving the overall process as far as the granting goes?

Ms. Claudette Paquin: I think it should be crystal clear to ordinary people like us working in a community what the programs are and what the criteria are. I think that as long as that is clear, we know if it's worth—because it's a lot of work to prepare these requests for funding. If the program is clear, the criteria are clear and

the way to prepare them is crystal clear on the website—at least on the website—then it might facilitate the end of this process, which is the choosing of the project.

I think the division of the funds in the various communities—when I went to the website and I read everything on the Trillium Foundation—I don't disagree with that. I just think it has work at the end, which is how to make it clearer, and then how to make it more accountable. So I think that's where the work needs to be done.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you. My community and all communities in Ontario depend on the Trillium Foundation to help them out with projects. I mean, it's been a great program and certainly one that we welcome. In the municipality I live in, a lot of times the staff of the municipality do all the work on preparation of the application, which has really been helpful to Lions clubs or service clubs of any nature.

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There has been an issue raised from time to time with governments seeing a surplus in one part of their system and saying, "Well, let's take that money and put it over here, and maybe we can help pay for something else." It drains those things. And they don't want to see that happen, because invariably, funds will dry up where you think you're going to get them and because they've put these funds into general revenue or something like that. I wonder what your opinion on that is and whether you would certainly advocate for that not being done if you were chosen for this position.

Ms. Claudette Paquin: Do you mean if there's a surplus in an area, in a region, and what do they do with that?

Mr. Randy Pettapiece: No. One program is doing it very well, where you have a bunch of money sitting over here. Well, then the government will say, "Jeez, we don't have enough money to pay for health care," and they take that and whack it over there, and then all of a sudden, we're drained. Communities don't want to see that happen, but it has happened in the past. All of a sudden, a program's funds dry up because of things like that. I wonder if you would be a strong advocate, if you were on this board, of that not happening, or at least give some pretty strong—

Ms. Claudette Paquin: Well, I'm a strong advocate that if you put something forward for people to start thinking of how to strengthen their community and you make a commitment for that, you have to deliver on that commitment. So taking millions away from a program, and especially, I would say, mid-project, is fairly devastating to some communities. I come from a rather small community, Penetanguishene. I don't think that the budget of the Trillium Foundation—you said it's been done before. I don't know the circumstances, but—

Mr. Randy Pettapiece: Not specifically from this fund, but there have been programs set up where the money just went into general revenue, and then all of a

sudden it gets lost. I think we have to keep these separate: If this is a Trillium fund, this is this fund, and then that's the monies that they have to do it. I'd hate to see something like this get buried, is what I'm getting at.

Ms. Claudette Paquin: I'd rather know what money we have and then that's what we're working with. I don't like to have the rug pulled out from under my feet; let's put it this way.

Mr. Randy Pettapiece: Okay. You are bilingual, something I wish I was and maybe I'll get there someday. How do you think that will help you with this position? Or do you think it's something that gives you an advantage in this position?

Ms. Claudette Paquin: Well, I think I'm a good representative of regions, and many of the Franco-Ontarian communities are in smaller areas, if I may say, aside from Sudbury and Ottawa, of course. But I've been working—I sat on the board of the Bruce Trail Conservancy—on both sides, French, English. In Penetanguishene, we work with the Rotary Club—I'm a member of the Richelieu Club, and we do stuff with the Rotary Club to give money to the hospital. So I've been used to, all my professional life, seeing a community as a whole. And especially in Franco-Ontarian communities, sometimes 60% of the families are mixed-marriage anyway. So you find your allies, you find your friends, regardless of their origin, and often the language that they speak, and they become a strength for your project.

We're going to celebrate Champlain in Penetanguishene because he was there for a whole year in 1615, and everybody's working on this—French, English—in Penetang. If you've ever been there, there are two angels at the entrance of the town: One is for the francophones and the other is for the anglophones. So that's who we are. And I think that's a strength in this province, to work both sides.

Mr. Randy Pettapiece: Okay. Thank you.

Ms. Claudette Paquin: You're welcome.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much. We move to the NDP.

Miss Monique Taylor: Good morning.

Ms. Claudette Paquin: Good morning.

Miss Monique Taylor: Thank you for being here with us today. What made you decide that you wanted to be part of this organization?

Ms. Claudette Paquin: Like I said, I've been a volunteer, I think all my adult life, in small organizations and larger, like the Bruce Trail, with 800 volunteers or something like that. The Trillium Foundation with its goal and mission of strengthening volunteering in the community to me is the big attraction. That's what attracts me to that.

Miss Monique Taylor: I'm happy to hear that you read the auditor's report and heard the concerns that were there. Part of that was advertising and letting people know that this organization actually exists. I know that many times, constituents or organizations would come to me and I would refer them to Trillium, which they didn't know existed. What would you do to help that process along?

Ms. Claudette Paquin: I think we have to consider the reality of communities. There are communities that are more media-connected. I think the website is a great one, and local little newspapers, but be very clear in the ad: This is who we are. The Trillium Foundation is not Santa Claus, but we have these programs for these kinds of projects.

I think people need an idea of what kind of project, because to see "arts and culture," "sports and recreation"—it's a big category. So if you give examples of who received funding in that area, it really clicks in them to say, "Hey, we have a three-year project that could maybe apply for that. It would be useful to do that." I think I would be more specific than general in publicity and advertising. That's my take on it.

Miss Monique Taylor: The process is very in-depth, sometimes very confusing for most folks, where they have a hard time filling out those applications that don't seem very clear. Have you heard that issue, and is there anything that you have in mind that would help that process?

Ms. Claudette Paquin: I think it is time-consuming. I think it also depends on the size of the grant. If you ask for, I don't know, \$200,000, you need to be very specific about what you're going to do with that. Also, people have to understand that accountability is very important, so in that work—now, I haven't seen the form per se. I don't know if it is easy to navigate, but if that's what I call "geography," that can be dealt with. But if it's for a \$10,000 grant and it takes three months to prepare, then people are not encouraged to do that, because they have no staff.

So I would look at that more in detail—not case by case, but in terms of process more than anything.

Mr. Percy Hatfield: Good morning.

Ms. Claudette Paquin: Good morning.

Mr. Percy Hatfield: Thank you for being here and thank you very much for your service through Cogeco and through TFO, for your commitment to public television, your community service on various volunteer boards—Ottawa, Sudbury, Penetanguishene and elsewhere—and for being an advocate for francophone rights. Thank you so much.

When it comes to Trillium, does the francophone population get its fair share of Trillium funding, or should that allocation formula be improved somehow?

Ms. Claudette Paquin: I looked at the projects that had been approved by region and everything. I don't know in terms of percentage. I think the first question to ask is, are there enough projects submitted? Are they in line with what the program is? I don't have the answer to these questions today.

I don't support a project just because it's francophone. It has to be solid. It has to be accountable. I think as people grow into a board, you want to keep the line between what I call the kitchen, which is the work of the staff, and what your role is as a board. But we look at stats, and if the issue is that they're just not submitting enough worthy projects, then that's something that

people can start working on. But I certainly wouldn't judge right off the bat, looking at the stats, without knowing the story behind.

Mr. Percy Hatfield: Right. I think the entire province would benefit by having more applications come in. Using your network of friends and your broadcasting background, I suppose, as has been alluded to, you can reach out, use some of those connections, some of that networking, to encourage more applications into certain areas. I hope you intend to do that.

Ms. Claudette Paquin: I will look at it for sure.

Mr. Percy Hatfield: Thank you very much.

Ms. Claudette Paquin: Thank you.

0950

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll move on, then, to the Liberal Party with any questions.

Mrs. Laura Albanese: Yes. Ms. Hunter will be asking the questions.

Ms. Mitzie Hunter: Bonjour, Madame Paquin.

Ms. Claudette Paquin: Bonjour, Madame.

Ms. Mitzie Hunter: It's really wonderful to see you, and I must say that I had the pleasure of working with you as a member of the board of TVOntario. For six years, I was on that board. I was first appointed under Premier Eves and then reappointed under Premier McGuinty. What an incredible organization that serves the needs of educating people in Ontario.

I saw first-hand your leadership and your professionalism and your creativity at both TVOntario and TFO when you took over as CEO there.

Ms. Claudette Paquin: Thank you.

Ms. Mitzie Hunter: I wondered, in terms of what you bring specifically to the board, based on your prior experience—you talked about process improvement, and I wondered what you would bring as a board member to help to support the organization in doing so.

Ms. Claudette Paquin: I see it as twofold. First, as a volunteer, I think I bring experience in the field and how we can make things easier or better. But also, as a public service professional and even with Cogeco, which is a private company, it's still not my money that I'm spending. So you have to be careful how you spend it, on the right thing, and also it has to be seen as being—not only should you be careful; you should be seen as being careful. That's the same with private money as with public money, so long as it's not your money, and accountability is something that has been drilled into my head in the public service. That's what I'm bringing at Cogeco, actually, and that's what also I would support on the board.

I think the governance of an institution is visions, large strategies and then accountability, and you have to make sure that both ends are solid. I think that's what I bring to the field.

Ms. Mitzie Hunter: That's wonderful.

You've already explained that, along with your professional career, community service has been important to you. Can you talk a little bit about that? Because I think

that's very relevant to the work that the Trillium Foundation does.

Ms. Claudette Paquin: I think it starts when you have children, to tell you the truth, and you volunteer for, honest, baking cookies, working bingos—anybody has to work bingos once in their life, I think—and raising money all the time, for the school, for the parents' committee. And then your children grow up, but you feel that there has to be more than just the school; there have to be cultural activities for them, to give them a sense that it can be fun to speak French. It cannot be just—sorry about this—the school, the family and the church, because when you are a teenager, that's not where your mind is. So then you start working, when they are teenagers, at the larger areas of intervention. And then—I mean, I walked the Bruce Trail from the bottom to the top, so then I thought, “Well, what a great trail. I need to volunteer. I need to give back.”

I think there's a sense, when you get a lot, that you need to give back. That sounds a bit corny, but I think it's the truth for a lot of people, and it was for me, certainly.

Ms. Mitzie Hunter: Thank you.

Mr. Rick Bartolucci: I don't think it's corny at all. I think that's the *raison d'être* that people like you exist, thankfully, in this province.

Just to reinforce what I think Jim and Randy from the Conservatives said, and certainly Monique from the NDP said with regard to the application process, sometimes it can be cumbersome, so if you can give us your assurance, with all due respect—because the Ontario Trillium Foundation is a fabulous, fabulous organization—you might want to look at that and try to make it easier.

Ms. Claudette Paquin: I will.

Mr. Rick Bartolucci: Percy from the NDP highlighted your community involvement and your commitment. That's stellar.

The only question I have is that you're in Barrie and you sit on Laurentian University's board of directors, and I'm sure you're in favour of the campus in Barrie. Correct?

Ms. Claudette Paquin: Well, I'm a big fan, yeah.

Mr. Rick Bartolucci: Beautiful. It has nothing to do with this particular appointment, but it very, very much has to do with lobbying the government to get money for the Barrie campus, so you have an ally here, certainly.

Ms. Claudette Paquin: Barrie is now 143,000 people, and it's the only city, in my knowledge, in Ontario of that size that doesn't have a regular campus.

Mr. Rick Bartolucci: Exactly. And Dominic Giroux from Laurentian and you, who sit on the board of directors of Laurentian, have worked very, very hard at ensuring that those students are served well. Hopefully, as we move forward, they'll be served even better with a campus.

It has nothing to do with this particular appointment, but it's now on the record, and thank you very much.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Bartolucci. Any other questions? Is that okay?

All right. Thank you very much, Ms. Paquin—

Ms. Claudette Paquin: Thank you.

The Chair (Mr. Lorenzo Berardinetti): —for your presentation. We were going to deal with concurrences at the end of our interviews. We have one more to do. You're welcome to stay, or, if you want to leave, you—

Ms. Claudette Paquin: I have to fly to my job now, so I apologize for that.

The Chair (Mr. Lorenzo Berardinetti): Okay. I'm sure you'll be notified.

Ms. Claudette Paquin: Thank you very, very much.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Have a nice day.

MR. LIONEL JOYNER

Review of intended appointment, selected by official opposition party: Lionel Joyner, intended appointee as member, Hamilton Grant Review Team.

The Chair (Mr. Lorenzo Berardinetti): Our next selection is Mr. Lionel Kevin Joyner to the Hamilton Grant Review Team. Good morning.

Mr. Lionel Joyner: Good morning.

The Chair (Mr. Lorenzo Berardinetti): Welcome to our committee. You have 10 minutes to make your presentation. Any time that you use in your presentation, we take it off the government's side. Then each side, each party here—three different parties—has 10 minutes to ask you questions.

Mr. Lionel Joyner: Mr. Chair, committee members, I appreciate and I thank you for the opportunity to discuss my candidacy for the Ontario Trillium Foundation, Hamilton Grant Review Team. I am very excited, and I'm honoured, to be considered for this position.

If you would permit me a few minutes, I would be delighted to tell you more about myself and how I see passion for the community being an asset to the important work of this foundation.

I was born and raised in Smithville, Ontario, a small town in the Niagara region. I have seen this small town grow from a small rural community in the 1960s to a vibrant little town with business, industry, art, culture and recreation as it is today. It's through the work of community leaders and programs supported by the Ontario government such as the Trillium Foundation that a town can be developed in this manner.

In fact, not long ago, the Trillium Foundation provided a grant to the West Lincoln Historical Society so that it could install plaques at various historical buildings in the township. As a community, they felt it was important to highlight the history of the town and celebrate its roots.

I have always felt it was important to set a positive example by taking pride of my own personal property and reputation, helping my neighbourhood and community. I have always been proud to call my community and province home and have it viewed by others as an inviting place to live, work and to visit.

My career in police work was pivotal to my dedication toward communities. As a police officer, I have seen first-hand the positive impact of strong communities

which are supported by healthy and caring programs for its citizens.

I am proud of my 37 years working in law enforcement. I have received diplomas and certificates of achievement from the Ontario Police College and the Ontario Provincial Police college, as well as numerous commendations and service medals in recognition of long service and good conduct, plus certificates of appreciation from municipalities in recognition of my dedication and service to their communities.

Some of the essential skills of police work are being able to exercise common sense, sound judgment, responsible and rapid decision-making, and being able to work in a team environment so that cases can be brought to a successful conclusion. These are the very same skills and strengths that I apply in all facets of my life and shall apply again, should my appointment to the Ontario Trillium Foundation grant review board be confirmed.

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I'm always in agreeance with any project or municipal initiative that will benefit and not burden the people of the community.

In conclusion, I believe that this appointment would be an opportunity for me to utilize my personal and professional strengths and, further, give back to the people and communities of Ontario. Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much. We'll start the questioning with the NDP.

Miss Monique Taylor: Thank you for being here with us today, fellow Hamiltonian.

Mr. Lionel Joyner: Thank you.

Miss Monique Taylor: What led you into wanting to be part of this group?

Mr. Lionel Joyner: What actually motivated me to get involved is because I feel my past experiences dealing with leaders of the community and social groups—I find that, how hard they work—I have a tendency to focus on the needs of elderly people, the needy, the fixed-income people. I just personally draw myself to that part of the team.

Miss Monique Taylor: Okay. Through the grant summary, it shows that Hamilton is way down on the list of the number of grants that it's actually received. What are you going to do to push that forward to ensure that we're getting our fair share of the pie?

Mr. Lionel Joyner: I think that it needs to be promoted—the programs need to be promoted maybe a little more. Leaders have—well, first of all, they have to be—the applications have to be investigated properly so the board can make a decision as to recommendations of whoever investigates the case—by investigating them properly, visiting the sites, making sure that the program is being handled properly. I have a great respect for tax dollars, and I need to see that there is value for the money.

Miss Monique Taylor: Okay. I'm glad to hear that you're focused on people in need because that's exactly where this kind of money needs to go: It's into programs that better our community. You mentioned seniors, but

we definitely have a lot of youth in our community, a lot of youth who are bored. What is it that you're going to do to try to encourage maybe different organizations to reach out? How are you going to help people along in the community to definitely put us up in numbers and make sure that we are getting more funds that are available?

Mr. Lionel Joyner: I think it's the job of the team to investigate the application and to visit the sites to make sure that they are accurate and legitimate and the money is being spent that they probably have received in the past. I don't think it should be the team's role other than to investigate. I don't think it has to basically encourage people to put the application in; I think the team's role is to investigate the application and make the recommendation.

Miss Monique Taylor: All right. I hope, though, that in that position that you will look at part of the advocacy because that's definitely a role that I think belongs to all members of the Trillium program, in making sure that the people are getting it. You're from Hamilton; right?

Mr. Lionel Joyner: Yes, yes.

Miss Monique Taylor: So we need to make sure that the programs are available there for people who don't really know that the Trillium money exists.

Mr. Lionel Joyner: That's right.

Miss Monique Taylor: Hopefully you'll look outside the box that way and bring that forward to the table.

Mr. Lionel Joyner: Yes.

Mr. Percy Hatfield: Thank you for being here and thank you for your years in law enforcement. Friends of mine say you've been "a good copper" for a long time. They like to refer to themselves as that; I hope you do, too.

Mr. Lionel Joyner: I must have liked it, because I stuck around for 37 years. It was seven years beyond my retirement point, so yes, I did. I enjoyed working with people. That's what I miss about the job right now: dealing with the public.

Mr. Percy Hatfield: And you've been a coach and involved in your community in various different ways.

Mr. Lionel Joyner: Yes.

Mr. Percy Hatfield: Have you ever been involved with a community group that has applied for Trillium funding?

Mr. Lionel Joyner: No, I haven't.

Mr. Percy Hatfield: All right. Did you—

Mr. Lionel Joyner: I know organizations that have. The Boys and Girls Clubs of Hamilton—I believe that they have been awarded.

Mr. Percy Hatfield: Did you just wake up one morning and say, "I'm going to apply to be on this board"? Or did a friend say, "Hey, why don't you come and put in an application"?

Mr. Lionel Joyner: No, no. I was completely on my own. I do a lot of volunteer work in my neighbourhood. As a matter of fact, I maintain seven—correction: six; seven if you count my own—properties in the area for elderly people, mainly because they're just not able to maintain them or, financially, to hire professionals.

That kind of motivated me, really. I just went to the website; I browsed through the website. I found the agency that I thought suited me, so I just sent the application in to the public appointments secretary.

Mr. Percy Hatfield: Do you need any home maintenance in Hamilton that we could add to the list?

Laughter.

Miss Monique Taylor: There are lots of seniors in Hamilton who are definitely in need of lawn maintenance.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much. We'll move on, then, to the government now. Our presenter used five minutes of his time, so we subtract that from the 10 minutes. The government has got five minutes to ask questions.

Mrs. Laura Albanese: Thank you very much, and thank you for being here this morning. I wanted to ask you: What skills as a police officer do you think will help you in this position?

Mr. Lionel Joyner: I think that they're the same skills that you would apply to any investigation: analytical skills, reading, writing, report-writing, good listening. I understand that, after the collection of documents or whatever you might be referring to, you have to understand what you're reading, analyze it, collect your evidence and do your presentation as a recommendation.

Mrs. Laura Albanese: That's very true—and I must add that I really liked your answer in terms of the role of reviewing grants, when you said in your answer to my colleague that your role is to "investigate" the application. I completely agree: I think that that's very important.

I believe that every member of the team has a role to play in getting the word out about the grants, but I don't see that as your primary role. I think that the Ontario Trillium Foundation should find another way of advertising that would avoid any shadow of favouritism, or the word getting out only to people who have access to the team. It should be out to everyone, even to those organizations that may not be familiar with members of the team.

Thank you very much for serving, should your application be approved, and thank you for being here, again.

Mr. Lionel Joyner: You're welcome.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Now we'll move to the official opposition. You have 10 minutes to ask questions. Ms. Thompson.

Ms. Lisa M. Thompson: Okay. Thank you, Chair. Good morning. I certainly appreciate the vast experience that you bring to the table. We were just commenting; I have two OPP officers in my family, and Randy and Jim each have police officers in their families as well.

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When we did our research, we realized that you have been politically active as VP of the federal Liberal Party. I was just wondering, do you have any affiliations or activities associated with provincial or municipal politics?

Mr. Lionel Joyner: No, I don't.

Ms. Lisa M. Thompson: Do you think your nomination for this appointment has anything to do with your political affiliations?

Mr. Lionel Joyner: Nothing whatsoever.

Ms. Lisa M. Thompson: Okay, very good. You had mentioned earlier that you had sought out this opportunity. What types of projects do you feel best suit the Trillium Foundation goals, if you will?

Mr. Lionel Joyner: I'm not too clear on what your question is.

Ms. Lisa M. Thompson: When you say you'll investigate all applications—in your experience you've probably heard of different community groups and organizations receiving Trillium grants. I'm just wondering, to your way of thinking, what type of project would best fit the goals or objectives of a Trillium grant?

Mr. Lionel Joyner: Anything that would fall within the criteria or rules of granting by the foundation; anything that's going to improve the lives of the citizens of the area; anything that's going to promote the culture and the art of a community to make it more attractive for people to visit it or to work or get educated. That's any project that would fall within that mandate.

Ms. Lisa M. Thompson: Very good. And you have the time available to make it out to every presentation and community event? I know in my area, it's unfortunate that sometimes the Trillium representative can't make it to the presentation. So you have time to make it out in your time schedule? It would be a priority?

Mr. Lionel Joyner: Yes, I definitely have the time and the energy to get involved in teleconferences. I can visit sites. I can do presentations. Yes, that's important.

Ms. Lisa M. Thompson: Okay, thank you. This is an important program that facilitates capacity-building in our communities, so I thank you for your interest.

Gentlemen?

The Chair (Mr. Lorenzo Berardinetti): Mr. McDonell?

Mr. Jim McDonell: Thank you for appearing today. Maybe just go over some of your background and some of the organizations you belong to and the volunteer work that you've been involved with in your community.

Mr. Lionel Joyner: I've never been directly involved. I've been in volunteer situations for most of the service clubs—the Lions Clubs, the Rotary Clubs—most of the service clubs. I've volunteered at the Hamilton Boys and Girls Club sporadically, not on a full-time basis. Whenever they need assistance or help, I give them a hand. That's about it.

Mr. Jim McDonell: You'll see lots of applications as you go through. Do you get a feeling of what some of these groups are going through and some of the issues they have and where money can—it's a hard choice, because generally you're dealing with about double the applications as you have money for, so you try to pick the cream of the crop, where it would have the biggest impact. I guess your experience would at least show you—get an idea of what projects would help the community most.

Mr. Lionel Joyner: I know that most of them can use as much money as they can possibly get, because money is tight right now. Most of the governments have cash restraints. I think most charitable and non-profit organizations are aware of that. All they would have to do was listen to the news and they'd know that there are money restraints by all levels of government. I think that most of the organizations are spending their money wisely.

The Chair (Mr. Lorenzo Berardinetti): Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you, Chair.

Again, thanks for coming out today. Have you previously worked on Trillium grants yourself?

Mr. Lionel Joyner: No.

Mr. Randy Pettapiece: Okay. I guess some of the frustration lies with Trillium in the application process. I suppose that a lot of communities like the one I live in probably get the municipal staff to help them with stuff like that. At least, that's what happens in our community.

Certainly, you're used to paperwork over your career—

Mr. Lionel Joyner: Yes, very much.

Mr. Randy Pettapiece: —and I wonder, if you looked at one of these grant applications, maybe you would be helpful in saying, "We don't need that question; we don't need this," or something like that. Can you see work like that being done?

Mr. Lionel Joyner: Oh, yes. One thing is, especially if you work in fraud, you're able to detect, in applications and documents, certain stuff that's not true.

I've worked in every department within the Ontario Provincial Police. I started off in general traffic and then I moved up into general enforcements, and then I went into drug enforcements and the criminal investigation bureau and frauds, and just about everything where a lot of documents are analyzed.

Mr. Randy Pettapiece: My daughter-in-law works in fraud.

Mr. Lionel Joyner: Oh, does she?

Mr. Randy Pettapiece: Yeah, and the paperwork is just incredible, of course.

Mr. Lionel Joyner: Which department?

Mr. Randy Pettapiece: Pardon me?

Mr. Lionel Joyner: Which department?

Mr. Randy Pettapiece: Guelph city police. She has been in there for about four or five years, and it's just incredible all the paperwork she has.

I guess there is a certain frustration level at times with the application process, so that's why I asked that question.

The Auditor General also didn't give Trillium a very good report because of its failure to measure and monitor the outcomes of its projects. Do you have any thoughts about that—how you would try to improve that part of the Trillium Foundation?

Mr. Lionel Joyner: Yeah, I did notice once something in that report is—getting someone to investigate—it's almost like the middle person. They knew the information, but yet when they were on the team, they would

do the investigation. Basically, it's like putting the fox in charge of the henhouse. Then they would improve the application. I see a problem with that, yes.

Mr. Randy Pettapiece: I guess with any government agency that is responsible for a lot of money, this has to be improved in transparency and whatever else goes along with it, because I'm sure, if communities aren't getting the money that they think they should be getting in their applications, the first thing they're going to do is point at somebody else and say, "These guys got all kinds of money, and we didn't." So I think that's something that is very important to this agency.

You got any more?

The Chair (Mr. Lorenzo Berardinetti): We've run out of time, actually.

Mr. Randy Pettapiece: We're done. All right.

The Chair (Mr. Lorenzo Berardinetti): I'm keeping it on a stopwatch.

Thank you very much. You may now step down.

We're going to now do the concurrences for the three individuals that we have dealt with this morning.

1020

I'm going to ask, first of all: Would someone please move concurrence with regard to our first—

Mr. Rick Bartolucci: I move concurrence in the intended appointment of John Bergsma, nominated as vice-chair, Ontario Clean Water Agency.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Bartolucci. Any discussion? None? All in favour? Opposed? That carries.

We will now consider the concurrence for Claudette Paquin, nominated as a member of the Ontario Trillium Foundation. Would someone please move concurrence?

Mrs. Laura Albanese: Chair, I move concurrence in the intended appointment of Claudette Paquin, nominated as a member of the Ontario Trillium Foundation.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any discussion? None? All those in favour? Opposed? That carries.

We will now consider the concurrence for Lionel Kevin Joyner, nominated as a member of the Hamilton Grant Review Team.

Ms. Mitzie Hunter: I move concurrence in the intended appointment of Lionel Kevin Joyner, nominated as a member of the Hamilton Grant Review Team.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? All those in favour? Opposed? That carries.

COMMITTEE BUSINESS

The Chair (Mr. Lorenzo Berardinetti): Now we just have a couple of very quick items to deal with, members of the committee. We can get this done in a couple of minutes.

The deadline to review the following individuals, selected from the August 30—we need agreement to extend the time to review them. There are three of them: Greg Anderson, nominated as a member of Brant County Health Unit board; the second one is Jean Buie, nominat-

ed as a member of the Social Benefits Tribunal; and number three is Leslie Flemming, nominated as a member of the Assessment Review Board. Do we have unanimous agreement to extend the deadline to consider these intended appointments?

Ms. Lisa M. Thompson: Who's the second person?

The Chair (Mr. Lorenzo Berardinetti): The second person was Jean Buie, nominated as a member of the Social Benefits Tribunal.

I'm just asking for an extension of their items. The extension would go to October 27, 2013. Do we have unanimous consent to do that? Thank you very much.

One other quick item is the WSIB report which is being prepared. We adopted the report on September 10 and directed that the report would be translated and printed. I wish to seek clarification today from committee members on how to handle the appendix. We have an appendix of items that were requested by members of this committee for the WSIB report. If the committee wishes for the appendix to be translated, this will add three weeks in time and cost over \$5,000. There are two options in front of us. One is to include the appendix in English only; we do have precedent for this: The Legislative Assembly committee did this with the report on the delayed release of MPPs from the 2010 budget lock-up; we have a copy of that—or two, to not include the appendix in the report. The appendix is a committee exhibit and can be made available to the public by the Clerk of the Committee.

How would the committee like to respond? Would you like to proceed with the printing in French, which would cost \$5,000, or not do a French copy and save \$5,000 and keep the English-only version? The report itself cost \$2,587 to translate. The report plus the appendix will make the price \$7,800, so it's roughly \$5,200 more to translate the appendix. It's either A or B, to print or not to print—

Miss Monique Taylor: Mr. Chair, if I may have time to consult with my caucus on that matter? And if details could actually be given to us once again, so that I could write it down, or send it to me by email. I'd be happy to respond by email by the end of the day on something like that. I think that would be appropriate for all of us to do. I know that the French members of our caucus—

The Chair (Mr. Lorenzo Berardinetti): Sure, I understand—

Mr. Rick Bartolucci: Let's defer decision on that until we've had the opportunity to confer with our caucus if necessary.

Miss Monique Taylor: And possibly set a two-day deadline by email or something like that. Would that be fair to everybody?

Mr. Rick Bartolucci: Next meeting. It's not pressing

The Chair (Mr. Lorenzo Berardinetti): These are deadlines that have to be done within—can we do it next week? Maybe the Clerk can clarify—

Mrs. Laura Albanese: Otherwise by the end of the day, as suggested by MPP Taylor.

Miss Monique Taylor: By email.

Mrs. Laura Albanese: That's fine, by email.

Miss Monique Taylor: If we could be sent the costs, hopefully as soon as possible, we have caucus today, which would be a good time to be able to bring that forward.

The Chair (Mr. Lorenzo Berardinetti): Why don't we just send it to the subcommittee and let them make a decision, the subcommittee of this committee?

Miss Monique Taylor: Only the email sent to subcommittee? Perfect.

Mrs. Laura Albanese: Okay, that's fine.

Miss Monique Taylor: Could we have details sent to us today also, please, of the cost associated with that?

The Chair (Mr. Lorenzo Berardinetti): Yes.

Miss Monique Taylor: That would be great, and then we can respond back.

Interjection.

Miss Monique Taylor: Cost and timelines.

Mr. Jim McDonell: The decision of the subcommittee or—what's the final decision?

The Chair (Mr. Lorenzo Berardinetti): I think we can let the subcommittee decide, if there's unanimous consent here. Is there unanimous consent to have the subcommittee decide?

Mr. Rick Bartolucci: I think we've got unanimous consent.

The Chair (Mr. Lorenzo Berardinetti): Then we'll direct the Clerk to do that through the subcommittee only.

All right, thank you very much. That adjourns the meeting.

The committee adjourned at 1027.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 1 October 2013

Journal des débats (Hansard)

Mardi 1^{er} octobre 2013

Standing Committee on Government Agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 1 October 2013

Mardi 1^{er} octobre 2013*The committee met at 0902 in committee room 1.*

SUBCOMMITTEE REPORT

The Chair (Mr. Lorenzo Berardinetti): Good morning, everybody. This is the Standing Committee on Government Agencies. The first item on the agenda is the report of the subcommittee on committee business dated Thursday, September 26, 2013. Do I have a motion? Mr. McDonnell.

Mr. Jim McDonnell: I move the adoption of the subcommittee report on the intended appointees dated September 26, 2013.

The Chair (Mr. Lorenzo Berardinetti): Any discussion on the subcommittee report? All those in favour? Opposed? That carries.

INTENDED APPOINTMENTS

MS. JEAN BUIE

Review of intended appointment, selected by official opposition party: Jean Buie, intended appointee as member, Social Benefits Tribunal.

The Chair (Mr. Lorenzo Berardinetti): We have three appointments to review today. Our first intended appointee is Jean Buie, nominated as member, Social Benefits Tribunal. Please come forward and take a seat at the table. Welcome to committee.

Ms. Jean Buie: Good morning.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much for being here. You may begin with a brief statement, if you wish. Members of each party will then have 10 minutes each to ask questions. Any time used for your statement will be deducted from the government's time for questions. You can go up to 10 minutes or finish earlier, and then we rotate and ask questions.

Ms. Jean Buie: Thank you very much. I will be very brief so that I can allow people to ask questions. I respond better to direct questions than I do to an opening statement situation.

As you know, my name is Jean Buie. You have my CV or my application before you. What I will do is highlight for you my experience and my background.

I have a bachelor's degree from the University of Toronto in criminology and women's studies. My law degree is from Dalhousie; Halifax is a great city to go to law school in.

Since being called to the bar, my focus has been on what I would consider to be social justice advocacy. I articulated in a legal aid clinic situation at the Centre for Spanish Speaking Peoples, where my practice focused on immigration and refugee law as well as income security issues, and where I gave legal advice to the clinical legal workers who were assisting people in that situation.

After my articles, I worked for Suzan Fraser in a very small firm—it was just the two of us—which is where I was introduced to mental health law. By mental health law, I mean any area of law where mental health may have been an issue and cross-sected. I had some family law experience, some criminal law experience—Ontario Review Board, Consent and Capacity Board, Human Rights Tribunal, Criminal Injuries Compensation Board. I'm sure there are others, but those are the things that are coming to mind at this point in time.

I then went in-house to the Centre for Addiction and Mental Health, where I could continue my focus on mental health law. I was in-house counsel there, primarily as a litigator, though I did give some summary advice with respect to issues around capacity or risk management of patients who were there under the Ontario Review Board. As in-house counsel, I conducted approximately 300 hearings a year, as well as between five and 10 appearances before the Court of Appeal, so I have extensive experience appearing before tribunals. Tribunals have always been my focus.

There is a reason why I choose tribunals and the Court of Appeal as my venue. In my view, tribunals are the place where most Canadians will come into contact with justice. It's where they will have most of their very important issues resolved. It's very important, in my view, that a tribunal be an expert tribunal, that it have knowledge with respect to the issues before them and that it be a very open and fair process for those coming before them. Many people before tribunals are unrepresented, and it takes a particular skill level as an adjudicator or as counsel on the other side to deal with a situation where there is an unrepresented accused or an unrepresented applicant.

My skill set in working as in-house counsel as well as working with those who have a mental health issue or have been told they have a mental health issue and they don't necessarily agree—there's a certain level of empathy. There's a certain ability to deal with situations and keep them calm. People with mental health issues or

disabled people find themselves in situations that are very emotional, and it's very important in those situations to be able to keep your head about it and still make the process as fair as possible for either party.

What my CV does not highlight is my volunteer experience and my personal background. During university, part of the course load was a requirement to do volunteer work, keep a journal and write a paper. I volunteered at Sistering. At that time it was located in the Scadding Court Community Centre. Sistering is a community organization that specializes in services for marginalized women, many of whom are homeless or disabled. The most common denominator is often a mental illness or disability of some sort for those women. My volunteer time there led me very quickly to believe that it was not very far from my own reality and that I could end up as a client rather than a volunteer there. It takes only a few wrong turns or unfortunate events for that to happen to many people.

After that, I also volunteered as a board member at Central Neighbourhood House. Central Neighbourhood House is one of the oldest community centres in Toronto—I think it dates back to the early 1900s; it could be the late 1800s—where they specialized in assisting new immigrants and marginalized people, even at that time, in adjusting to the community and finding supports. It specializes in the Cabbagetown area as well as the Bleecker Street housing project area, which will get me into my personal reason for why I choose to practise law the way I do and why I'm looking at this particular tribunal.

Central Neighbourhood House was an agency that I came into contact with as a child. I lived in social housing in the Bleecker Street area until I was about nine years old. I think that had a huge impact on forming who I am as a person as well as why I choose to advocate for those who are on the margins of society.

Interestingly enough, I also ended up there as a single mother for the first three years of my daughter's life, in the same building that I lived in when I was nine. What I discovered very quickly was that many of the friends I had at nine also still lived there. It is very easy to get stuck in a situation where you are in social housing or on social assistance.

Since then, there have been a number of changes with respect to the legislation—the difference between Ontario Works and ODSP; for example, the hand-up rather than the handout, which I think has made some inroads with respect to moving people forward and out of the system.

0910

I think our social safety net is an extremely important part of our particular society. It is something that needs to be dealt with very carefully. It's something that helps people move forward, although it can also be something that entraps people if it's not managed in the correct way or if people aren't given the supports that they need in order to move forward.

In my view, the Social Benefits Tribunal is one of those agencies that is very important in making decisions,

in particular because the difference between income in Ontario Works or ODSP—although it might seem insignificant to us, a few hundred dollars a month is not insignificant to people who are in that situation. It is a very significant difference, the difference between using a food bank every week, for example, or not having to use a food bank.

When I was looking at the opportunity to apply to a board for a tribunal, I went to the website and the Social Benefits Tribunal caught my eye, in particular because of my background, because I think I bring a depth of understanding that is both personal as well as professional. That's why I'm looking for this appointment.

Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll begin with questions from the government side. Are there any questions?

Mrs. Laura Albanese: Thank you very much, first of all, for being here today and appearing before the committee. You have an impressive presentation and CV. I think you made the case as to why you have applied.

As a lawyer, you mentioned you have appeared before the Social Benefits Tribunal in the past. I wonder if you could just elaborate for us what you did learn by appearing before the tribunal and what you think you could bring to this role by having been on the other side, so to speak.

Ms. Jean Buie: Thank you. I haven't actually appeared before the Social Benefits Tribunal. I assisted clinic legal workers whose responsibility was to do so. I did the legal research and assisted them with respect to the legal tests. So I don't have any experience appearing before this particular tribunal.

What I do have is extensive experience appearing before other tribunals: the Ontario Review Board, the Consent and Capacity Board, the Human Rights Tribunal, and the Criminal Injuries Compensation Board.

I have very extensive experience in fundamental justice, law, and in procedure. I understand that it is a more informal process, for a very specific reason, than it is for courts. I think it's very important that people realize that it is more informal in order to address those who come unrepresented. My experience with unrepresented persons before the board—I think that brings quite a bit as an adjudicator, to be able to assist without going outside your role as an impartial adjudicator.

Mrs. Laura Albanese: I just have one more question: How did you hear about this position? I think you mentioned in your presentation that you just went to the website.

Ms. Jean Buie: That's correct. I was specifically looking. I have many friends—well, I have many colleagues now, after appearing before the Ontario Review Board and the CCB, who are adjudicators, and we discussed where next I wanted to go with my career. It was time for a change; it was time to have a new challenge. I specifically looked at the website to see what appointments were available and what would interest me.

Mrs. Laura Albanese: And I believe—

The Chair (Mr. Lorenzo Berardinetti): Thank you. That concludes the 10 minutes. Sorry.

Mrs. Laura Albanese: Oh, that concludes the 10 minutes. Okay.

The Chair (Mr. Lorenzo Berardinetti): We'll move now to the Conservative Party.

Mr. Jim McDonell: Thank you for appearing today.

Ms. Jean Buie: Good morning.

Mr. Jim McDonell: Your resumé is impressive, especially considering the challenges you've overcome.

Ms. Jean Buie: Thank you.

Mr. Jim McDonell: I know the tribunal has a record of turning over about 50% of the decisions, which obviously adds a lot to the workload. Do you see any way of getting that information down the line to try to stop these appeals and stop the disruption of people's lives—if they truly should be granted in any way?

Ms. Jean Buie: Thank you. I'm not clear as to why so many appeals are granted. I believe it's a 50% rate. I'm not sure. I think I've read that there's a possibility that it's a definitional difference. People are applying the legal tests differently.

In my view, intelligent people can certainly come to different conclusions and differing conclusions, and the tribunal itself has been overturned as well by the court. But one of the clearest ways to assist with that is ensuring that your reasons for decision set out what the legal test is and why this person meets the test, in your view. If people at the director level are reviewing what the legal test is, that's the easiest way and probably the only way, as a member, that I could assist in that.

What I would also want to point out is that my understanding is that the director level has a limited amount of information they're relying on—the reports more than anything else, medical reports. At the tribunal, there is a certain advantage, because you do have the person before you. They are sworn and giving testimony and you can assess the person's credibility as well as their cumulative deficits and look at it in a different way. So it may not be that there's any error, but rather, more information is before the tribunal.

Mr. Jim McDonell: You've had quite a bit of experience over your lifetime living in social housing and going back. Do you see an answer, or something that we're not doing that would be a solution?

Ms. Jean Buie: That's a very, very complex issue. In my view, part of what entraps people is that the housing is not mixed housing. You have a situation where people are all living together in the same circumstances. I think if there's mixed housing, your context, the people you come in contact with, the people your children come into contact with and the resources are far more available than when you are simply in, for example, Bleecker Street. I think what got me out was the fact that, at one point, my parents made a decision to move out. That was really what kept me from staying there.

I'm not sure that it is just a matter of wishful thinking or drive. I think it is very difficult, when you are in a situ-

ation with people all around you in the same situation, to see anything different.

Mr. Jim McDonell: I suppose it's as much something where you become comfortable in that situation, and your surroundings are comfortable, so to step out is always a challenge. Maybe that's a real issue.

Ms. Jean Buie: And self-esteem—I think there's such a stigma in living in social housing that it's very hard to get past the idea that you deserve more or that you can accomplish more.

Mr. Randy Pettapiece: I've been sitting here listening to you for the past few moments. I'm very impressed by what you've done in your life and how you've accomplished it.

The average appeal processing time is about nine months, and that's very difficult for someone who is waiting for a decision to be made, whether they're on fixed income or a person with no income. Do you have an opinion as to why this is taking so long? Is it a matter of more staff or simplifying forms? Do you have an opinion on that?

Ms. Jean Buie: I'm not in it at this point in time, so it's hard for me to judge what the delay is about, if it's in fact a delay. Nine months—there is no mandate. The advantage of the Consent and Capacity Board is that once you put in an appeal, your matter has to be heard within seven days, so the delay doesn't happen in the same way with certain boards. I suppose there's a way to legislate something similar in this situation.

There have been ways where they're trying to address it through alternative dispute resolution. I think that's a huge step. Most people don't feel it necessary to go through a full hearing, so long as they feel they've been heard and their matter has been looked at. If it can be looked at in the way of alternative dispute, that might be an alternative.

Mr. Randy Pettapiece: Thank you.

Ms. Lisa M. Thompson: I have a question. The salary is quite considerable for the position we're considering you for today. The first question: Do you have any other income to supplement that, or will this be your sole source of income?

Ms. Jean Buie: This would be my sole source of income, unless we're counting my husband, and I try not to.

Ms. Lisa M. Thompson: Okay. That's kind of funny. That begs another question, but we'll just park that for now. I, too, am very impressed by your drive. You're an inspiration.

0920

Just yesterday, we had some news break, and I'm curious to have your opinion on it. We heard of some total disregard of well-paying appointees with regard to the expenses some folks are associated with, with regard to the Pan Am Games—shipping their dog from Vancouver back to Toronto, parking tickets underneath two dollars. Given your background, how do you feel when you hear things like that, and what can we be doing dif-

ferently in terms of oversight to put a stop to this nonsense?

Ms. Jean Buie: I'm not sure what we could do. It seems to be pandemic if you're looking at the news. I can say for myself that I don't have a dog, so that expense won't be an issue.

Ms. Lisa M. Thompson: I like your sense of humour.

But you don't think of, you know, "Man, those dollars could be used so well in other areas of society in Ontario"? What goes through your mind when you hear the waste like that?

Ms. Jean Buie: I think everyone feels that way. I don't think it would be newsworthy if it wasn't true that everyone feels that it is inappropriate for certain things to be looked at expense-wise. This has been quite a hot-button issue over the last three years for many people. What the solution is? I think good government and good governance, and watchdogging it, is always the solution.

Ms. Lisa M. Thompson: Okay, I appreciate that. Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll move on to the NDP. Ms. Taylor.

Miss Monique Taylor: Thank you. Good morning and thank you so much for being here with us today. My question is around the mental health sector and the challenges that most people—I've seen people come into my office who don't have mental health issues and they have a hard time figuring out the paperwork and things like that. So when we have people with mental health issues who are coming before a board without representation, what do you feel their biggest challenges are, and how do you think we can make a difference for that?

Ms. Jean Buie: There is the income security legal clinic that can assist people with even paperwork and these appeals, and there are websites. The problem is that there is a certain level of expectation that people will be able to even manoeuvre their way around that part of the system. Many people cannot.

My experience at CAMH was that there were a number of staff who filled out the forms for patients and assisted them with their application process. I think it's very important that there be something or someone available who can assist with that.

As a member of the board, my view is that I have to be open and understanding that this is a challenge for people. So merely the fact that the paperwork is incomplete in a certain way—I think a certain amount of accommodation has to take place.

Miss Monique Taylor: Good. What about people with addictions? Do you feel that they should be eligible for ODSP benefits?

Ms. Jean Buie: There was the case recently that did decide yes, and I do not disagree with that law, with that decision. Addictions often are concurrent with mental illness. They are very rarely a stand-alone issue for a person. I think it's a case-by-case analysis, and you have to look at how that addiction is impacting someone.

Miss Monique Taylor: Right. Thank you.

Rates for single adults on Ontario Works have fallen by 56% since 1993 in real terms. What is your feeling about the adequacy of Ontario Works rates, and how do you think they should be determined? Do you have a thought on that?

Ms. Jean Buie: Well, if I understand correctly, the rate is around \$600 a month. I'm not sure how anyone is able to live on \$600 a month without also having assistance in their housing. We are underhoused as a society when it comes to people on the margins. I think it is a complex issue that has to be looked at from all sides for people.

But the purpose of Ontario Works is very specific. It is a short-term solution. It is to assist people to get into the workforce. So increasing the rates wouldn't be the only answer in that situation. I think it has to be looked at from all angles: How do we get people back to work?

Miss Monique Taylor: Right. Thank you.

Mr. Percy Hatfield: Good morning. Thank you for coming. Do you have an opinion on the special diet allowance?

Ms. Jean Buie: I think it's important. There are many challenges to it legally right now as to what qualifies for the special diet allowance. I think as our understanding of certain illnesses becomes more prevalent or better, as the population ages and as illnesses that require a special diet increase in our population—it is a very important issue. For example, for somebody who has cancer and can only use Ensure, that is a serious issue for them. They cannot be expected to choose between housing and food. It's a very, very important issue.

Mr. Percy Hatfield: You worked at the Spanish clinic, was it?

Ms. Jean Buie: The Centre for Spanish Speaking Peoples.

Mr. Percy Hatfield: Do you speak Spanish now?

Ms. Jean Buie: No. I did have a tutor. I was taking Spanish lessons every Friday, but the workload in a legal aid clinic is quite heavy, and trying to learn a language at the same time as articling was proving difficult, though I continue to attempt to do so.

Mr. Percy Hatfield: Thank you.

Ms. Jean Buie: You're welcome.

The Chair (Mr. Lorenzo Berardinetti): Any more questions? Okay. That concludes our time for your review. We're going to move on. You can have a seat if you want to stay.

Our next intended appointee is not here, and neither is the one after that. We can just take maybe a five-minute break and try to find the next two intended appointees. Neither one is here.

Mr. Rick Bartolucci: So why don't we vote for this appointee while we're waiting and let her go? She's a busy person.

The Chair (Mr. Lorenzo Berardinetti): All right. We'll do that right now then. Let's consider the concurrence for Jean Buie, nominated as member, Social Benefits Tribunal. Do I have a motion? Ms. Albanese.

Mrs. Laura Albanese: Yes, Mr. Chair. I move concurrence in the intended appointment of Jean Buie, nominated as member of the Social Benefits Tribunal.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? All those in favour? Opposed? That carries. Congratulations.

The next intended appointee is supposed to be Mr. Greg Anderson. Is there Greg—I don't think there's a Greg Anderson in the room. Maybe the Clerk can make a call. He apparently hasn't contacted anybody here yet. The only thing is maybe he's stuck in traffic?

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Same thing. There's no Leslie Flemming in the room and no Greg Anderson.

The only thing we can do is break for five minutes, and maybe either one or the other will show up. The time I have now is 9:28, so let's say we come back at 9:35—or should it be to 9:40? We can meet at 9:40. That clock is wrong, by the way. I have 9:29. We'll just wait 11 minutes till 9:40. We'll just take a short recess.

The committee recessed from 0929 to 0938.

MR. GREG ANDERSON

Review of intended appointment, selected by official opposition party: Greg Anderson, intended appointee as member, Brant County Health Unit board.

The Chair (Mr. Lorenzo Berardinetti): We'll get started, then, a minute early. Our next intended appointee is here: Mr. Greg Anderson, nominated as member, Brant County Health Unit board. Good morning. Welcome.

Mr. Greg Anderson: Good morning. I apologize sincerely about my tardiness. Honestly, I sprinted from the parking lot at Grosvenor over to here, and I'm too old to do that. I just learned that.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much for being here. You may begin with a brief statement, if you wish. Any time used during your statement will be deducted from the government side. After you finish, there will be questions of you. When you finish your statement, we'll first start with the Conservative Party, and then we'll rotate—10 minutes each party.

Mr. Greg Anderson: First of all, I retired recently—and by recently, I mean four weeks ago—as a school superintendent. I ran all the schools in the Brant-Haldimand-Norfolk area and retired. I had been wanting to do something in my retirement to give back, and I thought this was important.

I've dealt with the Brant County Health Unit on a couple of occasions as a school superintendent, things like influenza, measles—outbreaks of various capacities. I was involved and knew the work they did. I just really wanted to be a volunteer and help out, and I think I'm very familiar with the governance model they would offer because it's very similar to that of the district school boards.

First of all, I am very involved in the community. I'm trying to get a new YMCA into Brantford and was on the

board of directors for six years. I also am the current president of the Brantford Rotary Club, so I'm very familiar with giving back to the community.

My purpose in doing this is the service to the community. I really feel strongly about doing that, and I believe I have the necessary experience. Obviously, I was a school superintendent for a long time, and I was a principal for a long time before that. I hope to be able to help serve the Brant County Health Unit.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll start the questioning with the Conservative Party. Mr. McDonell?

Mr. Jim McDonell: Thank you for coming out today. I saw you come in a while ago, and I guess I didn't realize it was you. Have you had any experience with the health unit before?

Mr. Greg Anderson: No, my only experience with the health unit would be dealing with the medical officer of health when we had issues, particularly when kids did not get their immunization. Because of the way it works, there had to be suspensions given out. That would be my major involvement with them. A couple of times we've dealt with situations with families, again in my capacity as a school superintendent, but that would be all.

Mr. Jim McDonell: I see that the Brant County Health Unit shares an officer of health with Haldimand-Norfolk. Do you see this—his not being there—as being an issue or a problem? I sat on the health unit in eastern Ontario, and it was always very difficult. I questioned sometimes the qualifications required for the health unit—more than half of them don't have a medical officer of health because of the tough qualifications.

Mr. Greg Anderson: I don't see it as an issue. I worked in all three counties, and I do know that the medical officer of health that they have in Brant, from my understanding, is pretty capable. It seems to be a pretty good structure, from what I understand.

I have to admit to my naïveté on some of these questions. My interest is to be a community person to help watch the governance of the health unit.

Mr. Randy Pettapiece: Thanks for coming here today. I'm looking at your resumé here, and I've got 16 agencies that you've been involved with. Are you still involved with all of them?

Mr. Greg Anderson: I'm not quite sure which—I haven't got that in front of me.

Mr. Randy Pettapiece: I'm sorry; I misread this. Scratch that.

Mr. Greg Anderson: I was impressed. If I was on 16 agencies, and I didn't know, I must have been doing a great job, because I don't recall. I believe those are the different things I have an interest in.

Mr. Randy Pettapiece: I'm sorry about that. I misread what was going on there, which I do occasionally.

Mr. Greg Anderson: That's fine.

Mr. Randy Pettapiece: We've had a number of issues. I suppose my riding is a little bit different than where you're from. I'm from a rural riding. Stratford is in my riding, up that way. We've had some issues with

being able to do one thing in one part of the riding and not in another part of the riding, just because of a different rule. I wonder, have you seen that in—

Mr. Greg Anderson: Actually, I can tell you—sorry to cut you off—that I’m very familiar with that, as a school superintendent. Brantford is an urban area, but Brant county is not, and I actually live in Brant county, in the very southern extreme, almost bordering on Norfolk county. There’s a very big difference. As a school superintendent, you would see that the needs in urban schools were different than the rural schools. The makeup and the fabric is very different and so is the economy that drives that area. It is different, but it can certainly work together.

Mr. Randy Pettapiece: Working together, I guess the confusion lies in one rule that doesn’t fit everything. We have particularly seen this with people in the Amish community up our way—I see that you live near Scotland, and I’ve been through there—where they are allowed to sell their goods in a farmers’ market. They were invited to go to an auction place and were kicked out of there by the public health unit because of the rules: It wasn’t a farmers’ market. They were selling the same bread and the same goods. I wonder if that’s something that you might be interested in, trying to get some consistency within this branch of the service that you want to belong to.

Mr. Greg Anderson: First of all, I’m one member, so I would not have any great authority. I think the authority lies with the medical officer of health. However, we can guide and hopefully advise, and that would be my role.

Actually, I’m very familiar with that because not too far southwest of us we have a large Mexican Mennonite population, which is very transitory and moves between Mexico and here. It’s an excellent issue.

Mr. Randy Pettapiece: Okay. Thank you.

Ms. Lisa M. Thompson: I’ll pick up where my colleague was going, because your interest in the various agencies caught my attention as well. Some of them are very, very different from the health unit. Aside from your desire to serve your community—I appreciate it—I don’t see a common link.

Mr. Greg Anderson: I’m just trying to keep them guessing.

Ms. Lisa M. Thompson: Okay. I guess my question, with regard to keeping them guessing, is, do you anticipate any other appointments over and above the health unit?

Mr. Greg Anderson: I have no idea. I was a published author back in the 1990s. I’m going to get to the answer to your question in a second. I have just released my new book, which is called *Bully Stop Now! A School Superintendent Tells You How*. It’s getting tremendous interest. The Toronto Star did a story about it last week. Because I’m going to be very involved with the book and speaking to the book, my gut sense is that right now I will be doing this particular service. We will have to wait and see in a couple of years’ time. I’m not going to say

no. I am going to say, though, that my life is going in a bit of a different direction right now.

Ms. Lisa M. Thompson: Okay, interesting. On that list of applications you made, where did the Brant County Health Unit fit in in terms of your priorities?

Mr. Greg Anderson: It’s a great question. I would say I can’t even remember which ones I applied to at this point. The fact is, that one offered proximity, and I thought I could serve the community. I’m very involved, obviously, with Rotary right now. I’m very involved with a lot of things in the community. To me, that was really a no-brainer, and I was thrilled. Some of the ones, especially after my drive today coming in here, which took a little over three hours to Toronto from outside rural Scotland, I thought, “Maybe I don’t want to do this too much.”

I have to apologize. I left at 6:30. I was convinced I had given plenty of time. Well, I was very wrong.

Ms. Lisa M. Thompson: Hey, I live in Huron–Bruce. I get exactly what you’re saying, and I know where Scotland is as well. There are some good beef producers out there.

One last question: In Bruce county we share a medical officer with Grey county. Hazel Lynn is very, very leading-edge. I see Brant county would be sharing a medical officer of health with Haldimand–Norfolk. Going back to my Bruce county example, Hazel Lynn has done a literature review. Based on the conclusion of her literature review, she has raised a flag with regard to potential negative health impacts of industrial wind turbines in my area. Haldimand–Norfolk is in the same boat, if you will. What’s your stance on industrial wind turbines? What’s the stance of the current medical officer of health for your area?

Mr. Greg Anderson: That’s an excellent question that I don’t know the answer to. I’m not making one up. I really don’t know what his stance is. I would like to find out what it is, assuming I do get appointed to this committee. I’m very interested in that because I did at one time have all the schools in Norfolk and Haldimand, and honestly I did see the wind turbines and the construction of them. I found it really quite interesting to watch how quickly they were put in. But I do not know the actual stance of the Brant County Health Unit. Obviously, if I’m part of that, I guess I will find out fairly soon.

Ms. Lisa M. Thompson: Okay. But it’s something that you’re intrigued by? You’re—

Mr. Greg Anderson: “Intrigued” is the answer I’ll go with, yes.

Ms. Lisa M. Thompson: Okay. You mentioned that they went up very quickly. Would you say there’s a gap, there’s room in there, especially with surplus energy right now, there’s an opportunity to hit the pause button and to do things right?

Mr. Greg Anderson: I don’t know enough about the progress of them to make a really qualified answer. I’m going to give you a concerted “I don’t know” right now.

Ms. Lisa M. Thompson: Okay. Fair enough.

The Chair (Mr. Lorenzo Berardinetti): You have about 90 seconds left.

Mr. Jim McDonell: I know in my time in the health unit, getting a public health nurse in the high schools and the schools was always an issue of money and sometimes working with the schools. Being involved with the schools, did you see that as something that was lacking or that there needed to be more time in the schools with public health nurses?

Mr. Greg Anderson: I found that the co-operation in the health department was pretty good, and when we needed them, we would get them in. Honestly, it was as much an issue with the police, the issue of getting police in schools. That was perhaps a larger issue than it was in health. Sorry to open a can of worms. The issue of the police was probably a bigger one. The police were wonderfully responsive, but they were pulled in various directions. That was a larger issue from an educator's point of view.

Mr. Jim McDonell: But I mean, from the point of view of needing one, was the need for a nurse looked after, or was it lacking?

Mr. Greg Anderson: My experience as school superintendent was that if the need was there, we contacted the health unit. We found we got good results because they recognized the importance of having—obviously, there was a large number of people involved.

0950

The Chair (Mr. Lorenzo Berardinetti): Okay. I have to cut you off there because time's up.

Mr. Jim McDonell: Okay.

The Chair (Mr. Lorenzo Berardinetti): We'll move to the NDP for questions. Mr. Hatfield.

Mr. Percy Hatfield: Thank you for coming in and for sprinting.

Mr. Greg Anderson: Thank you for guiding me to the right room here.

Mr. Percy Hatfield: Do you know how often the board of health meets?

Mr. Greg Anderson: Yes, I do. Someone from the ministry phoned yesterday, but I had already found out: once a month, and I guess they take the summer off. There's 10 meetings a year, I understand, the third or fourth Wednesday of each month.

Mr. Percy Hatfield: I just sat on our health unit in Windsor and Essex county, the least-funded health unit in the entire province. When I read that your health unit had a \$500,000 surplus in 2011, I said, "Wow, how can they do that?" But then, the secrecy surrounding the reason—first, it was the telephone equipment that wasn't installed, and then it was unspent wages and benefits. Somebody was trying to hide the real reason, it appears at first, which leads me to the question: As a board member, can you be independent of—let me besmirch everybody and say—"the old boys" on the board who have been there for a long time? I don't know if they have or not; I'm making this up, obviously.

Mr. Greg Anderson: I don't know any of the people who are on the committee. I looked up the names. I see

there's a couple of councillors. I haven't been involved in council at all, and I don't know the public appointees. So I would go in with, I think, a set of fresh eyes. I tend to say what I think, so I think if I found something that was inappropriate, I would say something.

Mr. Percy Hatfield: That's what I was hoping to hear. You've answered my next question about knowing any other members on the board.

A couple of years ago in Windsor, we had something called Art in the Park, and volunteers were out helping raise money for a number of charity events. The Rotary Club was heavily involved. Some of the ladies had made egg salad sandwiches at home, brought them in and started to sell them. The health unit came in and said, "Where were these prepared?" They said at home. They took a bottle of bleach and poured it all over the sandwiches. It brought great media attention to the health unit—great outrage amongst the population—of the need to better work with the community on issues as opposed to this heavy hand of the health unit. What would you do as a board member if this controversy or one like it blew up in your face?

Mr. Greg Anderson: I can tell you that I've already had to deal with it as an educator because we had to deal with that same issue with parents in schools bringing in food for bake sales and that whole issue—having to have the separated kitchen and the sinks and all that. I've been through it. The biggest thing you do is, you listen to the community, and you don't do it heavy-handedly. You actually have some consultation with folks and let them know where it's going.

But that has already gone through the schools, I would say in the last four or five years, when a lot of the rules changed about food handling, hot dog days, distribution of food in the schools. There was a lot of upset people on the parent and school councils because of that, because they thought, "We've done it forever," and more so in some of the rural areas where they would say, "We've always been able to do this. Who are you to tell us?" I think the thing there is to get the information out there and don't surprise people.

Mr. Percy Hatfield: The other issue we're dealing with is kibbeh, which is an ethnic food—pretty well raw meat. The health unit is saying, "I don't want to see it, and I don't want to hear about it," yet members of certain ethnic communities want to acquire it or want to go to a restaurant and enjoy it. Do you have any similar concerns with that?

Mr. Greg Anderson: I'm going to compare it to looking at school accommodation studies. When you have to look at closing a school, nobody likes that, and it's awful. You have to get the information out there. You have to get input from the community and find out. If you just spring it on people and say arbitrarily, "This can't be in"—I think people need to have advance notice, and you have to make the extra effort to let folks know. If it is a community where English isn't the first language, you have to make them aware of the changes. I think it's a

matter of process, that you deal with people with respect and let them know what the current rules are.

Mr. Percy Hatfield: If you get this appointment, are friends in the community going to say that's because you're a member of the Liberal Party or you have friends in the Liberal Party?

Mr. Greg Anderson: No. No, I'm not a member of any party.

Mr. Percy Hatfield: Thank you.

Mr. Greg Anderson: You're welcome. Thanks again for getting me in here. I would have been wandering around the halls for years.

Mr. Percy Hatfield: There are ghosts that do that.

The Chair (Mr. Lorenzo Berardinetti): Any further questions? Ms. Taylor?

Miss Monique Taylor: Yes. Thank you for being here with us today. Six Nations falls within the catchment area of the board that you've applied for. I wonder if you have any thoughts on the specific health issues that they face.

Mr. Greg Anderson: Again, I'm very fortunate to have worked hand in hand with the Six Nations educators. The federal government does their schools, so I'm very familiar with the Six Nations. I think that you have to realize that the Six Nations operate in a way where there are a variety of different spokespeople. You have the clan mothers, you have the hereditary chiefs and you have the elected council. There are a lot of different things. I have that awareness. If you didn't know that and assumed it was run just like any other jurisdiction in Ontario, you'd be in for a big surprise. I have had the experience of working with them, and I believe that I would be able to help facilitate some of the people on—I've looked at some of the names of the people in the Brant health unit, and there seems to be a heavier emphasis from the urban Brantford area—people who may not have as much experience as I would dealing with the Six Nations.

Miss Monique Taylor: Are you saying that you have built relationships already with those folks?

Mr. Greg Anderson: Some.

Miss Monique Taylor: So you must be aware of the challenges that they face: the boil-water advisories and all of those things. What is it that you're going to do to help change that process and to make things better?

Mr. Greg Anderson: First of all, I'm one member if I'm appointed. I don't have the authority to—

Miss Monique Taylor: But a voice.

Mr. Greg Anderson: Yes, I have a voice, and I can speak up for them. I think it's important, as a new voice, that I bring new thoughts and ideas to the table and, obviously, the experience that I do have. I let people know my experience and hopefully help form a decision that will help folks in the Six Nations.

Miss Monique Taylor: On a municipal level, you have no former health interests or—

Mr. Greg Anderson: My only connection to the municipal government is that my father was the mayor of Oakville from 1965 to 1972. But that was so far ago and

he has been dead so long that it doesn't seem to be relevant anymore. That would be my only connection to municipal government.

Miss Monique Taylor: Are there any hopes and dreams—I see that you had listed 16 different agencies that you would like to be part of. Since you've been called to this one in particular, have you had any thoughts like "I've seen this happen," especially in your role as the superintendent of education, that you think you could make a specific difference to?

Mr. Greg Anderson: Where I think I can make a specific difference is helping parents deal with bullying in schools. I'm on TV again tomorrow; I'll be on CHCH. I was on CTV National News on Sunday to be interviewed about the book. That's my first love.

I'm diverting here. Do you want to know if I want to be a politician? No. I want to help people deal with bullying, and there's a whole lot of inside information that I'm sharing with people about what happens in schools. That's my biggest love.

I was a professional speaker back in the late 1990s when I was still a principal in the Oakville area, and I really believe that that is something I'm far more interested in. I'm very fortunate that both my wife and I retired at the same time and we were in a position where we could retire. I'd like to give back. This is just one way of giving back.

My interest is far more in helping parents deal with bullying. I see it all the time—sorry, it's my soapbox now. I do believe that there is a space for someone in the province to speak up for the kids who are getting bullied in schools and to tell parents exactly how to deal with it, and I do that. That's my interest. Sorry, you hit the button, but that's my interest.

Do I want to be a local councillor or the next MPP for Brant? Not so much.

Miss Monique Taylor: No, no. That wasn't what I was getting at. It was specifically about the health unit and the challenges that you've had to have seen—other than the bullying issues—with mental health and other things, where you would be responsible for having a voice. Is there anything else where you think you could make that role that much more vibrant?

Mr. Greg Anderson: I believe I can have a voice at the table. I'm not quiet, shy and introverted, and I think that I can be very helpful in putting in some information. I think I can also bring back from my years of experience dealing with parents in the community and what their concerns and issues are. Health education is so important, and looking at some of the things that the health unit would be responsible for, I have an interest in that.

Miss Monique Taylor: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Okay, we'll move on—

Mr. Percy Hatfield: Do we have 15 seconds left?

The Chair (Mr. Lorenzo Berardinetti): About 30 seconds.

Mr. Percy Hatfield: I just have a very quick question. Are we going to get another book out of you about the health unit?

Mr. Greg Anderson: No.

Mr. Percy Hatfield: Why not?

The Chair (Mr. Lorenzo Berardinetti): Okay, thank you.

We'll move on to the government side. There are about five to six minutes left.

Ms. Mitzie Hunter: Mr. Anderson, thank you for coming in this morning and appearing before the committee. I noticed here that you served as a director on the YMCA of Hamilton Burlington Brantford. What role do you believe the promotion of healthy lifestyles has in encouraging the community to be active and to develop healthy lifestyle habits in terms of recreation?

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Mr. Greg Anderson: I think it's critical. I'm a firm believer; I'm a daily user of the YMCA. The reason I was on that board is because we had a tragic event where our chair of the YMCA passed away suddenly and we were rudderless. We had to form committees. I was part of the group that went, and we joined up with Hamilton-Burlington to make it a strong and vibrant YMCA.

I believe, especially in Brantford, there's a real need for support. There's a lot of poverty in downtown Brantford, and I think the YMCA provides a terrific help for moms and dads to learn about nutrition, for kids to have exercise in after-school programs. It's really important. I was very involved with that.

Ms. Mitzie Hunter: Talk a little bit more about your soapbox and Bully Stop Now!—that's the name of your book.

Mr. Greg Anderson: Bully Stop Now! A School Superintendent Tells You How. That's about as humble as I can be.

No, that's what it's called. It has a couple of chapters in there—one specifically, which has already raised the ire of the Ontario Principals' Council, is excuses from principals. Another one is about dealing with an ineffective principal. One of the biggest frustrations parents have is when they've got a bullying incident, they've got the facts, they go to the school and they get brushed off by the principal.

I have supervised well over 200 principals in my career. Many of them are terrific, but there are some who aren't great. I think it's really important that we get that message out to parents so they know how to deal with the school system.

If you look at anybody who writes on bullying, from Barbara Coloroso on down, they never specify exactly who to talk to or what to do. My book is very specific on that.

Ms. Mitzie Hunter: It's almost like a handbook?

Mr. Greg Anderson: It's a handbook for parents—and for principals, if they want to have a look, because I have two chapters directly giving advice to principals. Whether they wish to take it or not is another story.

Ms. Mitzie Hunter: Clearly, you're not afraid to speak up when you observe something that's wrong. That's good.

Lastly, you mentioned your experience in management and oversight of principals. One of the key responsibilities is to hire the local medical officer of health. Just maybe speak a little bit about what you would bring to that type of decision.

Mr. Greg Anderson: I think what I would bring is the experience of knowing the entire county in Brant county, because I've supervised the whole area at the elementary and secondary school levels.

I think what I would do is bring to that committee some knowledge of what parents want and what the community wants. It's very similar in education, where the board of trustees hires the director of education. This is very similar.

I think it's a critical point, because this is the only person we actually do hire. So it's critical that we get it right.

Ms. Mitzie Hunter: Mr. Anderson, thank you for the energy and passion that you clearly bring in putting your name forward for this.

Mr. Greg Anderson: Thank you very much. If I'd been on time, it would have been nice, too.

The Chair (Mr. Lorenzo Berardinetti): Okay. Thank you, Ms. Hunter. That concludes our time for questions. We'll move concurrence after the next appointee is interviewed.

If you want, you're welcome to stay and have a seat, or if you leave, it's fine—

Mr. Greg Anderson: Oh, no. I imagine this is just too much fun, but I'm looking forward to my trek home. Counting the rest of the day, I'm hoping to get there by supper.

I appreciate the chance to talk. I apologize for my soapbox, but I think you can see I'm pretty passionate about the whole issue of bullying. Obviously, the health unit, to me, would be an interesting sidelight that I think I can help and support, and I'd be very, very interested in it. Hopefully, you'll give me the opportunity to do that.

The Chair (Mr. Lorenzo Berardinetti): Thank you.

Mr. Greg Anderson: Thanks for giving me the right room—this gentleman here. Thank you. I would have still been out there.

The Chair (Mr. Lorenzo Berardinetti): Thank you.

MS. LESLIE FLEMMING

Review of intended appointment, selected by official opposition party: Leslie Flemming, intended appointee as member, Assessment Review Board.

The Chair (Mr. Lorenzo Berardinetti): Our next intended appointee today is Leslie Flemming, nominated as member, Assessment Review Board. Please come forward and take a seat. Welcome to the committee. Thank you very much for being here.

You may begin with a brief statement, if you want to. The time utilized in your statement will be deducted from

the government side. The other two parties have 10 minutes each to ask you questions. You may begin.

Ms. Leslie Flemming: Thank you very much. I'll just get a glass of water.

The Chair (Mr. Lorenzo Berardinetti): Sure.

Ms. Leslie Flemming: Thank you. Good morning, Mr. Chairman and the members of the committee, and ladies and gentlemen. My name is Leslie Flemming. I've come down today from Bracebridge, where I live. It's an honour to appear in front of this committee.

I'd like to take a few minutes just to give you a little bit about my background. I'm an intended appointee to the Assessment Review Board as a part-time member.

I've been a citizen of Ontario my entire life. I have been very privileged to have attended four universities as an adult. I've got a BA from Brock and a bachelor of education from Queen's University. I did my bachelor of laws at Windsor—

Interjection: Yay.

Ms. Leslie Flemming: I think so, too.

Most recently, I did an LLM in alternative dispute resolution through the Osgoode professional development faculty in downtown Toronto, so I have a degree from York University as well.

I practised most of my legal career in legal clinics, and I'm sure questions will come from that as to what's the connection with assessment review, but I'll get there. Practising law for legal clinics is an honour, and I really enjoyed the work. I did it until 2012, 13 years in St. Catharines and 12 years in Muskoka.

Lawyers for legal clinics have an opportunity to appear in front of many boards and tribunals, both provincial and federal, and through this work I developed quite an interest in administrative law and enjoyed very much the various appearances that I was able to make on behalf of my clients.

Of course, our clients are all poor and they're usually coming from very bad circumstances, many times. The advantage of being in a legal clinic, though, is that where the community board that runs each clinic and our executive director agree, where you wish to appeal a decision of an administrative tribunal, you can then go on to appellate levels. So I was able to appear in front of Divisional Court a number of times, the Court of Appeal of Ontario one time, and, on employment insurance matters, the Board of Referees, of course, and then up to the Umpire and then the Federal Court of Appeal on two occasions. Those are experiences not everybody gets when they're practising law, and I really enjoyed that.

I learned, in doing that practice, about the role of administrative tribunals and how much of the decision-making in justice issues gets done at administrative boards and tribunals as opposed to courts. Certainly, the day-to-day, bread-and-butter, vast majority of cases that are dealt with in a day in this province are done by administrative tribunals. As a result, I became very interested.

I also was able to see, in my service at the clinic, in probably the last 15 years but more so in the last 10

years, the important role of alternative dispute resolution as it appeared in administrative tribunals. Of course, I was appearing in front of the Landlord and Tenant Board, the Human Rights Tribunal of Ontario, and the Social Benefits Tribunal probably more than any other tribunals, and all three of those tribunals have embraced different forms of alternative dispute resolution in recent years.

The Landlord and Tenant Board, of course, had mediators on-site at hearings days to assist the parties to landlord and tenant matters. The Human Rights Tribunal of Ontario, of course, has been one of the front-runners in this area. The members are also mediators, so sometimes they're mediating and sometimes they're adjudicating. Of course, they've had very good results from their mediation program as well and had some very lengthy cases settle in advance of taking days and days of hearing time. The Social Benefits Tribunal mostly used members via telephone, in more of a pre-hearing format for alternative dispute resolution, in order to cut down the caseload.

I did do the LLM at Osgoode and really enjoyed it. I left the clinic practice and opened a mediation business. I will be honest: It's slow. I'm not doing family mediation. I will never do family mediation. The other kinds of mediation are not well known north of the city, and I'm finding I do have some business but not a lot.

However, even before I had started down that path, I had put in applications to this board. I put in a general—you know, go on the website, send in a general application, even before that. I think that was probably June—maybe it was April 2012—and that was to the Landlord and Tenant Board and the Human Rights Tribunal. However, I applied specifically for the Assessment Review Board position when that became available.

I would be excited about sitting on the Assessment Review Board because of the fact that this board is incorporating more of an emphasis on alternative dispute resolution. I think I can bring to that board my skills and training in that regard. I think what I brought to my practice—and it was commented on, actually, by various tribunal members—was a sense of fairness, a sense of procedural quality and justice, and those are the things that I would like to offer the Assessment Review Board.

Those are my comments today, and I welcome your questions.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll start with the third party, the NDP, for questions.

Mr. Percy Hatfield: I note the comments in one of our background papers about mayors in northern Ontario whose communities are suffering. If you're in an almost single-industry town and the mill shuts down or else shuts down most of its operations, then the repercussions when their assessment drops—I know in Kapuskasing—from \$54 million to \$34 million to \$24 million—and now they want a 40% reduction in that. The last time it happened in Kapuskasing, they had to write a cheque to the company for more than \$2 million.

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What obligations do you feel a board member should have to take into account a municipality's ability to pay

and the impact of a major rate reduction to the entire community?

Ms. Leslie Flemming: Again, I'm not coming from a position of having practised in this area, but I think what I'm taking away from those scenarios is that the new case resolution strategy that the board is employing as of this year, 2013, is designed to address these problems. The reason those large amounts of monies have to be paid back is, I believe, because the cases have taken so long to wind through the system.

When I was reading about the Assessment Review Board, I was shocked to see that they still have cases—or at least they did have in February of this year—that were started in 1998. So I'm thinking that the reason for these large amounts of money is because of the fact that the cases have been dragging through the system. Things have changed so much in those years that the rulings that the board is making now are hardly relevant to the current situation.

Again, I'm not speaking from a position of knowledge because I have not practised in this area of law, but that's what I took from that, is that the board's new case resolution strategy is supposed to, I think, aggressively attack the backlog, then the decisions that the board will be making will be much more current. As far as what the solution is, I'm not sure that the board member, in hearing a case like that, has the discretion to change a decision which is going to be based on fairly clear procedures of assessments.

Therefore, even though this is going to be a hardship for a community, I don't see that the board member who's doing the adjudication has any discretion. I'm not reading that in the act, that the board member would have discretion. I think the take-away for the board is that they have to get these cases moving through so that the decisions are timely.

Mr. Percy Hatfield: I know in Windsor's case, we had Caesars Windsor, and they spent half a billion dollars on a major renovation, creating a new convention space and a 5,000-seat theatre. They appealed their assessment and were given a \$10-million drop in assessment after spending \$500 million to increase the value of their property, which makes no sense to the municipal politicians or to the community. There's not much you can do on appeal as it turns out. We lost Ford Motor Co.—as you mentioned, a nine-year backlog—and it ended up costing the municipality \$18 million, and that's a tough hit on municipal taxpayers. I just hope that you take into account the impact on municipalities when these major, major decisions are made.

Ms. Leslie Flemming: I think as a board member I will be able to take that into account but, again, only within the confines of the way the act is drafted.

Mr. Percy Hatfield: Yes, it's the retroactivity that can cripple a municipality.

Ms. Leslie Flemming: That's the problem, the retroactivity.

Mr. Percy Hatfield: So we need quicker decisions, more board members.

Ms. Leslie Flemming: Well, looking at the long-range plan of this particular board, they are hoping to have the backlog all taken care of by 2016. Now, I know that's still a few years away, but that's better than having a case in the system for 15 years. I'm not sure that that's the answer you're looking for, but that's how I read their strategy for moving forward.

Mr. Percy Hatfield: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Ms. Taylor?

Miss Monique Taylor: The question I was going to ask was directly about the backlog and if you've seen issues like that in Bracebridge, in your area, and how you would deal with that. So I think you've pretty much answered—

Ms. Leslie Flemming: Well, the case resolution strategy—sorry, I didn't mean to cut you off.

Miss Monique Taylor: No, please, go ahead.

Ms. Leslie Flemming: The strategy appears to be streaming cases. The new rules which came in in April of this year put cases now on direct stream, for cases of less value—I think it's under \$6 million in Toronto and under \$3 million outside Toronto. They would go directly to hearing. They get 60 days' notice of a hearing date and then they have to attend and deal with it, as opposed to the exchange of documents, discoveries and all of these procedures which were permitted before, as I understand.

The higher-level cases will go in the standard streaming, and those do involve a number of pretrial steps.

Looking at the strategy, what the board wants to do is bring in, wherever possible, alternative dispute resolution measures, including pretrial conferences, mediation, and then it's pretty open-ended, if there are any other ADR strategies that the parties want to try. I don't think that encompasses coin tosses, although I'm not sure.

Anyway, the streaming wasn't done, as I understand it, before the new rules came in this year, so that should be a way of attacking this. Again, I can only speak from what I've read. I don't have personal experience.

Miss Monique Taylor: Thank you.

The Chair (Mr. Lorenzo Berardinetti): We'll move on to the government side. You have about four minutes.

Mr. Rick Bartolucci: The government doesn't have any questions. We just want to thank you for applying. We believe that your credentials in alternate dispute resolution, if you're approved by this committee, will come in very, very handy as you move forward with your expertise in this very, very important work.

Ms. Leslie Flemming: Thank you.

The Chair (Mr. Lorenzo Berardinetti): We'll move to the Conservative Party for any questions.

Mr. Jim McDonell: Thanks for appearing today. I had the chance to sit on the MPAC board for a couple of years and also on the council. I wonder if a lot of the cases that are before the review board are just the fact that people don't understand what the whole process is and what the assessment is trying to—the theory is that if you make your complaint, then they'll lower it all the time. I know you haven't had a lot of background, but do you see that as a key in getting—the number of cases is

ridiculous, that there are that many cases before the board.

Ms. Leslie Flemming: When I was preparing by doing as much reading as I could about this board, I saw—and I hope I have the figures right—that only about 27% of the cases before the board involve residential properties and the bulk of them involve things like farm properties, commercial, industrial and others. I would think that if you're doing an appeal with a commercial property or a shopping centre or things of that nature, your case is probably being handled by lawyers who are familiar with the system. So I don't think it would be a case of people going into this not knowing what was involved. Quite the contrary: If the bulk of the cases are the large properties and commercial interests, then I think people would know what they were doing because I'm quite certain they would have hired counsel.

Ms. Lisa M. Thompson: In terms of assessment reviews, as you can well imagine, there's a lot of concern over the devaluation of property in close proximity to industrial wind turbines. Specifically in my riding of Huron-Bruce, I have three wind farms that predate the Green Energy Act. One wind farm in particular chose, under a gag order, to pay out, purchase, five homes because of concerns associated with proximity to that particular wind farm.

As we evolve and look to today, there are realtors throughout this province who have proven property devaluation. As a result, there are going to be a number of people coming forward with appeals to their assessment, especially in rural areas where property values have gone through the roof these days.

I picked up on your comment that you're looking forward to the Assessment Review Board experience because now they're focusing more on alternative dispute resolution. What opinion do you have, going into this application and onto the board, of industrial wind turbines? And how do you see the Assessment Review Board entertaining appeals—because they're going to be coming in fast and furiously.

Ms. Leslie Flemming: It's an excellent question. I don't have any intimate knowledge of wind turbines and those issues, other than what I read in the newspaper and so on. My reading is that the science is unsettled. Certainly as far as the devaluation of property, yes, I think you're right, because of perceptions. People clearly perceive that wind turbines may be a health threat. I understand that people complain about noise and so on.

1020

I have relatives in the Chatham-Erie-Blenheim area. I was down this summer, and of course that's always a topic of conversation.

How would the board deal with that? I have to say, I'm not even sure, but I'm sure that the existing board members—and I don't know any of them personally—must be aware of this issue. It must be coming up more and more, especially in the southwest. It seems that the science is conflicting with the perceptions. Science seems to be saying that there's not a health threat to people

living beside wind turbines, but again, there's some science that would dispute that.

Ms. Lisa M. Thompson: Absolutely.

Ms. Leslie Flemming: I would guess that the way this is going to go is based a lot on scientific evidence.

Ms. Lisa M. Thompson: The Grey Bruce medical officer of health has done a literature review and she has raised the flag, saying that she believes there are negative health impacts. While there's surplus energy, let's hit the pause button and get this right and look at the science and look at demand. It's interesting; what kind of science do you think could be applied to evaluating property values in close proximity to industrial wind turbines?

Ms. Leslie Flemming: It's not the science. I realize that the board is going to be dealing with perceptions. If people are coming into the board and they're bringing in the comparators, which are showing that property values are dropping, the board has to take that—that's evidence of property values.

I'm just thinking that on a larger scale, provincially, the province is going to have to weigh in at some point on maybe changing regulations or adopting regulations to keep pace with the current health information, whatever that may be. And, yes, I've heard the arguments both ways, but if we're just looking at straight property values, especially in residential properties, that is what the board is going to be looking at. That's the evidence that we look at at the board.

Ms. Lisa M. Thompson: Right. In speaking about alternative dispute resolution, using industrial wind turbine property devaluation as an example, what type of alternative dispute resolution might you suggest might fit in this particular example?

Ms. Leslie Flemming: Again, looking at mediation, mediation allows parties to basically present their case in more of an informal way to see if there are any common interests or any areas that can be resolved on agreement. It may be that there's a main issue that can't be, but I see ADR being helpful at least in narrowing issues.

Again, it would depend on what the parties want to do. If they're coming together to talk, that demonstrates a willingness to try and find a resolution. I don't know what those resolutions are, myself, but I do know that that process often will give rise to resolutions that people hadn't formally thought of when they're talking more informally about the problem.

Ms. Lisa M. Thompson: Okay. I'm intrigued by that, but recognizing that there's a huge backlog of mediation, do you think it would contribute to increasing backlogs or help speed things up?

Ms. Leslie Flemming: I think it will speed things up occasionally. I'm sure there are examples where you mediate the whole thing and everybody is more or less happy with the solution and signs on the dotted line. Where I think it will be more effective is reducing the issues and narrowing the issues so that we can settle a number of issues, get those off the table and then proceed to adjudicate the main issues or the remaining things that can't be agreed on.

The Chair (Mr. Lorenzo Berardinetti): You have about one minute left.

Ms. Lisa M. Thompson: I find your comments helpful, actually, so thank you. I appreciate that.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much. You may now step down.

We're going to move into two concurrences, so if you want to have a seat, you're welcome to.

Ms. Leslie Flemming: Thank you. I think I will do as the former person did and head out. I do have some other things to do here in Toronto. I wasn't late today, though. I took the GO train from Barrie because I know what that highway is like in the morning, the 400. Thank you very much, everybody.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. Flemming.

We'll now consider the concurrence for Mr. Greg Anderson, nominated as member, Brant County Health Unit board. Would someone please move concurrence? Ms. Albanese.

Mrs. Laura Albanese: Thank you. I move concurrence in the intended appointment of Greg Anderson, nominated as a member of the Brant County Health Unit board.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? All those in favour? Opposed? That carries.

We will now consider the concurrence for Ms. Leslie Flemming, nominated as member of the Assessment Review Board. Is there anyone who wants to move concurrence?

Mrs. Laura Albanese: Thank you, Mr. Chair. I move concurrence in the intended appointment of Leslie Flemming, nominated as member of the Assessment Review Board.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? All those in favour? Opposed? That carries.

We're adjourned.

The committee adjourned at 1025.

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ISSN 1180-4335

**Legislative Assembly
of Ontario**

Second Session, 40th Parliament

**Assemblée législative
de l'Ontario**

Deuxième session, 40^e législature

**Official Report
of Debates
(Hansard)**

Tuesday 22 October 2013

**Journal
des débats
(Hansard)**

Mardi 22 octobre 2013

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues



Chair: Lorenzo Berardinetti
Clerk: Sylwia Przedziecki

Président : Lorenzo Berardinetti
Greffière : Sylwia Przedziecki

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 22 October 2013

Mardi 22 octobre 2013

The committee met at 0901 in committee room 1.

SUBCOMMITTEE REPORTS

The Vice-Chair (Mr. Rick Bartolucci): All right, can we call this meeting to order? First of all, Lorenzo is not here today because of an urgent family matter, so we wish him well as he moves through this.

Thank you very much for your prompt attendance. We will begin the meeting.

Before we go into intended appointments review, our first order of business is to consider a number of subcommittee reports.

The first subcommittee report is from October 3. Would someone please move the adoption of this report? Laura.

Mrs. Laura Albanese: I move adoption of the subcommittee report on intended appointments dated October 3, 2013.

The Vice-Chair (Mr. Rick Bartolucci): Any discussion? All in favour? Thank you; the motion is carried.

The next subcommittee report is from October 10. Would somebody please move the adoption of this report? Monique.

Miss Monique Taylor: I move adoption of the subcommittee report on intended appointments dated October 10, 2013.

The Vice-Chair (Mr. Rick Bartolucci): Is there any discussion? All in favour? Opposed? Carried.

The last subcommittee report is from October 17. Would someone please move its adoption? Jim.

Mr. Jim McDonell: I move the adoption of the subcommittee report on intended appointments dated October 17, 2013.

The Vice-Chair (Mr. Rick Bartolucci): Great. Is there any discussion? All in favour? Opposed? Carried. Thanks very much.

INTENDED APPOINTMENTS

The Vice-Chair (Mr. Rick Bartolucci): We will now move to the appointments review. We have three intended appointees to hear from. We will consider concurrences following the interviews.

MS. COLLEEN CAMPBELL

Review of intended appointment, selected by third party: Colleen Campbell, intended appointee as member,

Ontario Infrastructure Lands Corp. (Infrastructure Ontario).

The Vice-Chair (Mr. Rick Bartolucci): Our first intended appointee is Colleen Campbell, nominated as a member of Ontario Infrastructure Lands Corp., or Infrastructure Ontario. Colleen, we invite you up. Welcome, Colleen, and thank you very much for being here.

Ms. Colleen Campbell: It's a pleasure. I'll just get a little liquid here.

The Vice-Chair (Mr. Rick Bartolucci): You may begin with a brief statement if you wish. Members of each party then will have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government time.

Ms. Colleen Campbell: Thank you, and good morning, Mr. Chairman and committee members. Thank you for inviting me here today and for the opportunity to present my experience and qualifications to serve as a public appointee to the board of Ontario Infrastructure and Lands Corp.

I thought it might be useful to start by giving you a brief history of my educational background and some relevant highlights from my work experience. Going way back in time, I have a business degree from the Richard Ivey School of Business—I hate to admit, from 1980—with a concentration in finance, and subsequent to that, 30 years of experience in the capital markets. This experience has primarily been in the capacity of a product specialist in the area of corporate, government and infrastructure bond financing.

I was recognized in the Brendan Wood journal for outperformance in the capital markets in 2006 as the top bond investment banker in Canada. In 2012, I received my ICD.D designation from Rotman.

In terms of other activities, I also serve as chair of the endowment board of Greenwood College School.

Just some relevant, I think, experience to the question at hand: I did join the Bank of Montreal's investment bank in 1997 as head of Canadian debt capital markets, with the mandate to build out their capability in corporate and government bonds as, at that time, the market for these securities was beginning what was to become a very significant and steady growth period. My arrival at BMO also coincided with the beginning of the development of the infrastructure bond financing market in Canada.

In 1997, I had been the team leader on the first airport financing in Canada for the Vancouver Airport Authority

with my previous employer, CIBC, before moving to the Bank of Montreal.

When I joined BMO, I had the good fortune to lead our team on the bond financing program for the Greater Toronto Airports Authority. This financing was very significant in terms of establishing the structural benchmark for follow-on infrastructure financings, as well as being the largest corporate bond offering done in the history of the market at that time.

In 1999, I led the team that structured the Highway 407 bond program, which, like the airport financing for Toronto, was considered precedent-setting for its structure and approach, as well as its significant size. In both of these cases, we have remained—"we" being BMO—a consistent lead underwriter in what have become the two largest infrastructure bond programs in Canada.

I've also had a long history with Infrastructure Ontario and its predecessor organization, OSIFA. In 2005, we worked with the management team at OSIFA in setting up the organization for their initial bond offering, and were the lead underwriter on this financing. These early experiences, plus our ensuing work over the past 15 years, have established us as a leader in Canadian infrastructure financing.

In 2008, I assumed responsibility for BMO's global debt capital markets business, which included a build-out of our US infrastructure capability.

As of December of last year, I stepped down from this position and took on my current role as vice-chair of BMO capital markets. This new role allows me more time and flexibility to pursue outside interests, as I no longer have lines of business reporting to me. I continue to sit on the management and loan commitments committees in the capacity of senior adviser.

In January of this year I was contacted by Salvatore Badali, a partner at Odgers Berndtson—I think I'm saying that right; it's an executive search firm—with respect to a search they were doing for a board position at Infrastructure Ontario. He asked if I would be interested in applying. I must confess that it was a bit early in terms of my personal timing, as I had just changed roles and had promised myself some downtime. He assured me that the process would take some time—which turned out to be quite true, as I sit here today—so I agreed to proceed.

I have a great deal of respect for what Infrastructure Ontario has achieved. I think they have set the standard for how P3s should be executed. They have an exceptional, high-quality, experienced team that the province should be very proud of. I also have an extremely high regard for Tony Ross, who is chair of the board and whom I worked for 22 years ago at Merrill Lynch.

I believe the experience I have gained over the past 30 years can be put to good use in the role, so, presented with this opportunity and my interest in doing something to give back at this juncture of my life, I am putting my name forward for this position. Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Thank you so much, Colleen, for that overview. We'll now move to the government to ask any questions that they may have. You have five minutes if you choose to use it.

Mrs. Laura Albanese: Thank you, Mr. Chair, and thank you for your presentation. We don't have any questions. We just want to thank you for accepting to appear before this committee and for wishing to serve as a public appointee. On behalf of my colleagues and the government of Ontario, we appreciate you putting your name forward. You are highly qualified. Your qualifications are impeccable.

Ms. Colleen Campbell: Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Thanks, Laura. We'll move now to the official opposition. Jim?

Mr. Jim McDonell: Thank you for coming out today.

Of course, everybody has heard about the recent mismanagement of the hydro projects that have gone on, the gas plants. Do you have any experience with some of the neighbourhood opposition to some projects of this scale and being able to work through it?

0910

Ms. Colleen Campbell: Did I have work experience on the project financings, do you mean?

Mr. Jim McDonell: No, on any projects that you've been involved in where there has been opposition—

Ms. Colleen Campbell: From a political point of view, you mean?

Mr. Jim McDonell: Political or just—were you able to work through it?

Ms. Colleen Campbell: I'm certainly aware of the media. I watch the news and listen to the news. I must confess that I'm probably the most apolitical person you've ever had in this role, because I spent 12 hours a day working for the last 30 years. I'm certainly aware of the headlines as much as any citizen is. I don't have a political view one way or the other.

I think one of the things I admire about the Infrastructure Ontario process is that, in my experience, they've been very apolitical in executing their mandate. I find them highly professional. Politics never came into any of the work that we did with them, and I assume that that occurs as well at the governance level, which I hope my impartiality will bring to bear. I don't know if that's answering your question.

Mr. Jim McDonell: It was more if you've had experience in any projects you've been involved with where there is a backlash and you've been able to work through it by working with the communities to allow the project to proceed—not so much to comment on the fact that they were cancelled. But more or less, is there some experience with working through neighbourhoods that aren't happy with something, through open houses, through conciliation or whatever it takes to move a project through? The projects that the bank has been involved in—

Ms. Colleen Campbell: I must confess, my role in these things has been really quite technical as opposed to community-based, so that aspect of the projects I haven't had involvement in.

Mr. Jim McDonell: Okay.

The Vice-Chair (Mr. Rick Bartolucci): Randy?

Mr. Randy Pettapiece: I'd just like to pursue that a little bit further. At certain times, there is opposition to

projects that are going on. I'm just wondering about your mediation skills, is what I'm after—whether you've had much experience in mediating these things. I guess that's the question.

Ms. Colleen Campbell: Yes, I see. I managed a team of over 100 people in the latter years. Probably in the last seven years, I had a great deal of experience. There's a lot of mediation in management, I would say. I've also been on the management committee of our firm and on our loan commitments committee for over 17 years. So I think from a governance point of view, in terms of the governance of the firm—it might be a little different experience than what you're referring to, but there's certainly a lot of mediation in management, I would say; of a different sort, but a lot of experience in that regard.

Mr. Randy Pettapiece: I guess we weren't trying to get to the political side. I think we're just wondering, when you get into this thing—because it can happen—just what your skills are as far as mediation.

Ms. Colleen Campbell: Right.

Mr. Randy Pettapiece: Go ahead, Lisa.

The Vice-Chair (Mr. Rick Bartolucci): Lisa?

Ms. Lisa M. Thompson: Thank you, Chair. Given your experience with Infrastructure Ontario, I'm sure you're aware that that particular agency is carrying a \$4-billion debt. There are increasing needs all the time, especially with the recent announcements that dollars just aren't available for smaller municipalities. In my riding, we're threatened to have roads actually closed because there's no money to repair bridges. We all know the shape the Gardiner is in, and the transit needs in Toronto. So I'm curious: You're taking on quite a responsibility going in in this particular appointment. Do you see Infrastructure Ontario's infrastructure projects being thwarted based on the financial and debt position of the agency? What risks do you see associated with this position that you're entrusted to, and how do you see helping Infrastructure Ontario to move forward and dig themselves out of this hole?

Ms. Colleen Campbell: Again, I don't really see it as narrowly an Infrastructure Ontario issue; it's obviously a provincial issue that the Infrastructure Ontario team has to execute in an efficient manner. We have significant constraints on resources, as the province does. I'm hoping my role can be on how we can best execute them so that the scarce resources available to the province can be used most efficiently. P3s don't mean that the province doesn't have a role to play in terms of a revenue stream, but they do shift the responsibility for the upfront capital needs and for keeping these projects running efficiently so that the scarce resources that we have can be used most efficiently with the dollars we have.

In terms of the projects that we are responsible for, there's a broader decision-making framework that determines what the priorities are. Our role is really to make sure, given those priorities, that we execute them in the most efficient and effective way.

Ms. Lisa M. Thompson: I appreciate your response. Just to clarify, you see there might be opportunities with a P3 approach to help alleviate some of this stress?

Ms. Colleen Campbell: Yes. Listen, it's not a free option; there's still revenue required from the province. But it tends to change the way those revenues are raised, that being that the upfront capital raised goes to a private sector operation and the support is typically through a revenue stream by the government. It's been proven that, by moving the responsibility for the costs and financing the project to the private sector, they tend to be run quite efficiently because they're carrying all that risk.

Ms. Lisa M. Thompson: I appreciate that. Thank you.

The Vice-Chair (Mr. Rick Bartolucci): No further questions from the official opposition? Thank you very much.

We'll move now, Colleen, to the third party, represented by Percy Hatfield and Monique Taylor. Percy?

Mr. Percy Hatfield: Good morning. Thank you for coming in. You have a very impressive business background. I was hoping the next appointee would have an engineering degree, somebody who knew something about infrastructure, CSA standards, how to build girders on the Herb Gray Parkway in my part of the world.

Have you kept up with any of the media coming out of the huge controversy in southwestern Ontario over the total collapse of oversight on the Herb Gray Parkway?

Ms. Colleen Campbell: This is Windsor-Essex?

Mr. Percy Hatfield: Yes.

Ms. Colleen Campbell: Yes. Again, through the media, I'm aware of the dispute over the bridges and the girders.

Mr. Percy Hatfield: And I guess my question would be—perhaps there will be financial fallout and you'll be able to help with that. But on a go-forward basis, I'm told that the way the government has been doing business on the P3s has led to huge cost overruns on most projects, according to the independent lab testing people. Lab results don't get reported to Infrastructure Ontario. Instead, they go the contractor and may never find their way up. Also, the cost overruns are 75% in some cases.

I'm just wondering how, with your business background, you can approach the other serious issues around Infrastructure Ontario.

Ms. Colleen Campbell: I can't speak to the statistics that you're referring to. If those overruns are, in fact, in place and the contractor bears the responsibility, those contractors wouldn't be in business, I would say. The groups that have been bidding on these projects have been fairly consistent. They're very high-quality engineering firms and they do bear the risks. I can't imagine they're facing those overruns or they wouldn't be rebidding on contracts, so I can't speak to—

Mr. Percy Hatfield: No. I find it difficult, as well, but according to the independent lab people, this was reported to them by the ministry or someone from Infrastructure Ontario at a recent symposium and they've got quotes and documents to substantiate it.

I guess my question is—I understand the government—

Ms. Colleen Campbell: And I have no engineering experience.

Mr. Percy Hatfield: No; neither do I.

Ms. Colleen Campbell: At this stage in my life, I'm not going back to school, so that's—

Mr. Percy Hatfield: Colleen, neither do I. I'm sure you could pick it up in no time at all, should you choose to do so.

Ms. Colleen Campbell: I don't think so.

Mr. Percy Hatfield: You're very qualified to do that.

I'm just wondering whether you were of the opinion if, indeed, as has been reported to me, that—and I know the government is doing a review of the way they've been doing these businesses. Are you in favour of looking at the evidence and perhaps choosing a new way of—going back to the old way of doing contracts as opposed to what they've adopted in recent years?

Ms. Colleen Campbell: No. I'm a big fan of what they've done. I'll say that the model that has been employed—again, as I said in my remarks, I don't think enough credit is given to the province for how effective this has been in terms of the amount of development that's been done to support the needs of the province. I think it's been done efficiently, effectively and without it being a political situation. When we expanded our business down to the US in the last five years, they looked with envy at what has been accomplished in this province, because they can't get out of their own political way to get projects done, because these are long-tailed processes, and you kind of have to have an independent group.

My view is that the models worked extremely well. If there are cost overruns, they aren't the risk of the province. They're the risk of the engineering firms and consortia and private equity.

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Mr. Percy Hatfield: All right. Thank you. The model isn't working well when you let out a contract where you have to be CSA-approved before you start building, and you build girders for eight or nine months without CSA standards; you don't have an engineer on-site and the girders are defective, according to the experts; some of them will eventually be removed, and it's going to cost a lot of money. Infrastructure Ontario wasn't providing a supervisory role. They didn't check for a long time after they were first aware of it in order to stop construction, so I don't think the model is working perfectly.

I'm just wondering, if, indeed, you eventually get all of those facts—

Ms. Colleen Campbell: If, indeed, the girders need to be replaced, I actually have—I don't want to get into the technical aspects; I'm not an engineer, but I actually have some information on the specs. It's too long a topic for this, but I would just say that if, indeed, they need to be replaced, then the engineering firm bears that cost, as the model is designed to support. It's not a risk of the province.

Mr. Percy Hatfield: Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Monique?

Miss Monique Taylor: Sure. Thanks. I have some questions about your opinions on alternative financing

and procurement. The risk premium built into the AFP contracts with winning consortia is a huge part of the AFP contract. What are your views—

Ms. Colleen Campbell: Sorry; can you just define what you mean? Do you mean the difference in financing costs when you say "risk premium" or—what do you mean?

Miss Monique Taylor: Yes. What I'm looking for—I'll tell you—is how the risk premium is calculated.

Ms. Colleen Campbell: Can you just define what you mean by that?

Miss Monique Taylor: Within the alternative financing and procurement—

Ms. Colleen Campbell: But when you say "risk premium," there are different aspects of that. Could you just be more precise? Do you mean the difference in financing costs for the project versus the province, or the discount rate, or what do you mean?

Miss Monique Taylor: Yes. Within winning those projects, within the public portion of it, I would guess. There's a risk premium that is calculated into these projects. I was looking for your opinion on that.

Ms. Colleen Campbell: It's a little—if by that you mean the discount rate, the net present value, the financing based on the private sector funding it versus the province funding it—is that what you mean?

Miss Monique Taylor: Yes.

Ms. Colleen Campbell: There is a difference in coupon on the bond. If the province was doing it directly, their financing cost would be less, because of their credit rating; government bonds trade differently than corporate securities, which these trade as. There is a higher financing cost, so I think that's what you mean.

Miss Monique Taylor: Yes.

Ms. Colleen Campbell: But I think the view is that the risk transfer—first of all, those premiums have come down significantly, because the bonds have been good securities and the premiums have gotten quite a bit smaller, but there is still a premium; you're correct. But the risk transfer, I would say, is significantly larger than the net present value of the difference in the cost in financing. That would be our assessment.

Miss Monique Taylor: Just to get back to your comments regarding what you've seen so far with Infrastructure Ontario and how you find that the model has been working quite well, and back to my colleague's comments. I hope that, when you do take on this position, you do go in there with fresh eyes, not thinking that it is working perfectly, and that you are looking at things that possibly may not be working right, and that the government does need to stand in at those points and take responsibility for those actions of Infrastructure Ontario. I think that's important. We see that there are things going wrong, so please just keep an open mind when it comes to those things, that there may need to be changes made, and what you can bring to that table.

Ms. Colleen Campbell: And certainly that's the governance role: to make sure, independent of management, that you are scrutinizing their activities and making sure the government's risks are being looked after.

Miss Monique Taylor: Absolutely.

The Chair (Mr. Rick Bartolucci): Percy, you have about half a minute.

Mr. Percy Hatfield: Thank you. A very quick question: Currently, contractors have to have CSA approval at the time of construction. Some people suggest they should be CSA-approved at the time of putting in the bid on the tender. What's your thought on that?

Ms. Colleen Campbell: Again, I don't know anything about that, but that seems rational to me, because what you wouldn't want them to do is go all the way through the bid process, be ready for shovels in the ground, and then be, for whatever reason, declined. So that sounds reasonable.

Mr. Percy Hatfield: Thank you.

Mr. Rick Bartolucci: Colleen, thank you very much.

Ms. Colleen Campbell: Thank you.

The Vice-Chair (Mr. Rick Bartolucci): The time for questioning has finished. Now, Colleen, we vote on concurrence after all the intended appointees have been interviewed. You're welcome to stay, or you can leave and come back at about 10:10.

Ms. Colleen Campbell: Okay. Thank you very much.

The Vice-Chair (Mr. Rick Bartolucci): Thank you very much.

MS. SHELLEY JAMIESON

Review of intended appointment, selected by third party: Shelly Jamieson, intended appointee as member, Ontario Health Quality Council.

The Vice-Chair (Mr. Rick Bartolucci): Our next intended appointee is Shelly Jamieson, nominated as a member of the Ontario Health Quality Council.

Shelly, please come forward and take a seat at the table. Welcome. It's great to see you again. Thank you very much for being here. You may begin with a brief statement if you wish, and members of each party will then have 10 minutes to ask you questions. Any time used in your statement will come off of the government's time. Welcome and thank you.

Ms. Shelly Jamieson: Thank you very much, Chair. I'm quite pleased to be considered for this board position at Health Quality Ontario.

When I think about my career, there has been some element of health system planning in my work for my whole career—I'm actually 108 years old, so it's a long time—except for two years when I was the Deputy Minister of Transportation. So I picked three things I thought I would speak of in terms of the position.

I was president of Extendicare Canada and had responsibility for long-term care and home care in five provinces, and during that time learned a lot about the differences between Ontario and other provinces as it pertains to health care.

I was also a commissioner on the Health Services Restructuring Commission for four years and learned a lot about the hospital system in Ontario from that perspective.

As secretary of cabinet, head of the Ontario public service and clerk of the executive council, I had a macro-level view of both the workings of government and the health portfolio.

And today I have this great opportunity. I'm the CEO of the Canadian Partnership Against Cancer, which is all about looking at evidence in cancer, reducing the burden of cancer on Canadians, and spreading the word about good evidence and good practice to make sure that the outcomes are the best they can be.

I have corporate board experience and not-for-profit board experience, and I look forward to your questions.

The Vice-Chair (Mr. Rick Bartolucci): Shelly, thank you very much.

Ms. Shelly Jamieson: A pleasure.

The Vice-Chair (Mr. Rick Bartolucci): We'll start off with the official opposition. Jim?

Mr. Jim McDonell: I guess in my experience since becoming an MPP, you get the chance to talk to hospital administrators, medical centre administrators, and in a lot of ways I get the feeling, and I've been told, that there are issues there, but they are basically sworn to secrecy. You know, if you have a problem and it gets out, it may affect your budget next year.

I just have a hard time, and especially—we had an issue in my riding with long-term-care beds. We see people who are being placed 100 kilometres away, numerous times, where their partner is maybe living in Cornwall and they are sending them off to Bourget. There's a few issues with it. One, mainly, is the distance. We had another one last week. And yet when you look into it, they tell us, in spite of us having the worst record in Ontario, that we have enough long-term-care beds until after 2030, even though the population of the area that is over 75 is going to almost double.

I was just wondering: If that's the information coming back, how can you have any faith in the organization? Can you respond to that?

Ms. Shelly Jamieson: Yes. First of all, I'll say about health system people that there are easier places to work than being in the health system. So I find mostly people show up to work because they have a passion about health care. Sadly, as systems get big, they sometimes get dysfunctional, so you're speaking to some of the problems that do exist.

0930

I think that there's so much information, and some of it not accurate, that it's hard for clinicians, or even the public generally, to know what to believe. So I actually think that Health Quality Ontario could play a role in making sure that, where there is evidence—and there isn't evidence, in lots of places—it's known and it's disseminated. Maybe I'm a little more optimistic, but I do believe that people, faced with facts, actually will make better decisions.

You are quite right about long-term-care beds. We have the highest number of long-term-care beds per capita in the country, but who is in those beds? Are they the people who should be in those beds? When you go to Alberta, they have another level of care that's for more

ambulatory people. Some of those people are in our long-term-care system, and then other people in our world are in the hospital who should be in long-term care. So in this province, we don't quite have the people in the right place. It's not that we don't have the resources.

Mr. Jim McDonell: I might agree with you normally, but these facts come from the Auditor General's report; they're not mine. The information on the number of beds comes from the LHIN and from the CCAC. These aren't numbers that are off the floor—and no plans to build any. I don't disagree that maybe we need that second tier, but there are also no plans to build those either.

I see some of the delays. I was talking to one administrator, and her comments would be somewhat surprising from her political background but came back as frustrated. She said, "We've been told that there will be no increases for five years: 'Find your budget somewhere else, and I don't want to hear about it. If I hear about it in the paper, we may have to review the budget.'" That's the type of thing you're hearing. I guess it's nice that we don't see things in the paper, but I've never seen a group that has been so sworn to secrecy for fear of penalty before. It's right across the health system, and I don't think it's healthy. I think it's something that we've seen in this government; you see it in numerous cases.

The long-term-care beds—to sit here and see an Auditor General's report saying that we're the worst in the province and then to come back and say that we have no need for any additional beds till beyond 2030: I have a hard time with that, especially when we see the problems trying to place people within 50 kilometres. We're talking about placing essentially way out of the region. That happens all the time. Again, on Friday, somebody came in, and their partner was being placed in, I think it was, Bourget. He's able to get a ride up there once a week. It just seems hard to believe that we're doing such a good job when we see that.

Ms. Shelly Jamieson: On your comment about secrecy, I think the only way you can have a quality improvement program is to not have that kind of secrecy. You can't talk about quality unless you're prepared to bring forward mistakes.

Mr. Jim McDonell: Oh, I agree.

Ms. Shelly Jamieson: So I think you have to create an environment where people are prepared to look at their performance and improve it.

The Vice-Chair (Mr. Rick Bartolucci): Randy?

Mr. Randy Pettapiece: Welcome. You probably have heard of some of the cutbacks in the health care system, one of them being in the physiotherapy—

Ms. Shelly Jamieson: In the—sorry?

Mr. Randy Pettapiece: —physiotherapy business. I am one to think that preventive health care is better than it getting too bad. I guess you're going to be faced with some real budgetary constraints because of the position the province is in financially. I wonder if you agree that a focus on prevention is more beneficial to patient outcomes and should be encouraged across Ontario, and maybe look at some of the programs that have been

downsized, if we can put it that way, like physiotherapy. Diabetic strips have been cut back to the people who need them. I just wonder if that's the right focus that our health care system should be having.

Ms. Shelly Jamieson: It's an excellent question. I guess I personally am somewhat dismayed when I look ahead over the 10 years because I think in this province we're facing a time of economic downturn and continued economic strife. That means that, if our health system is hugely important to us—which it is, to all of us—we need to make sure we're spending our scarce resources in the ways that make the biggest difference.

That's where evidence plays in. When you speak about prevention, one of the struggles with prevention in health care is that it's really hard to make the case that something you change today will help you 20 years out because it seems so far out. In cancer, that's certainly the case as well. But in fact, those are the conversations we actually need to have.

The reason why, frankly, tanning beds was supported by all three parties recently is that it's based on evidence. We have to stop these kids from going to tanning beds because, 20 years from now, they're going to be in the health system with melanomas.

I guess I would say that, where there's evidence that programs on prevention—we have to start studying them. We have to make sure we're resourcing the research to make sure that we can generate evidence that what we are doing is making a difference.

Tanning beds has been something that we have discussed for a long period of time, and there is evidence. We know exactly what to do, so I was really happy to see all-party support for something that is a prevention issue. There are many such issues, and we have to make sure we have the evidence and we're making informed decisions. They dictate public policy, which in turn dictates where the money goes.

Mr. Randy Pettapiece: Less exercise, especially with elderly people—they tend to—I'm going to use the term "seize up." Maybe that's not the right term, but it's very easy to see the results from something like that; in my opinion, anyway. We have gotten a few letters from people who are looking after their parents or whatever saying that the difference is remarkable since this cut-back has come, that their parents are not as mobile as they were before. I think the evidence there is quite dramatic, so I would ask that, if you are successful in this thing, you look at things like that, because down the road, we're going to be looking after that patient more, and it's going to cost us more money, probably.

Ms. Shelly Jamieson: I agree, and my own view is that we should pick a few things that make the most difference and do them.

The Vice-Chair (Mr. Rick Bartolucci): Lisa?

Ms. Lisa M. Thompson: When we think of health care in Ontario, we can't help but think of scandals. I'm reassured by your comments and your apparent commitment to sound evidence and accountability, because that's ultimately where we need to come down to, because, as you all know, the province is broke.

I find it interesting; I have to come back to where my colleague was going with our first question, to a comment that was made on a blog this morning. It was with regard to spelling, but the blog went on to say that, if the government is truly interested in open government and taxpayer engagement, the Premier will insist that gag orders in the Ministry of Health, like the media clause initiated by the OACCAC and inserted in contracts with all front-line workers by CCACs across the province, be eliminated.

So, in your role coming into the Health Quality Council, you've recognized that there is already economic strife. You recognize that there need to be evidence-based decisions made on everything to give confidence back to our taxpayers. What can you do in your role to encourage accountability and a culture that focuses on performance measures and outcomes?

Ms. Shelly Jamieson: I think I can do a lot—

Ms. Lisa M. Thompson: And I think you can too, actually.

Ms. Shelly Jamieson: —and the reason why I think that is, I work for an organization, CPAC, a federally funded agency dealing only with cancer, and I've spent the last year looking at performance measures.

It's not enough that we all feel better because we're talking to the cancer control agencies across the country and we think that's good, that we're bringing ourselves together. We have to actually demonstrate that we are moving the markers as it pertains to cancer. That's easier said than done. We've spent the last year developing indicators, and now we're looking at all our work and trying to see which of our work contributes the most to those indicators.

At Health Quality Ontario, it will be exactly the same issue: What evidence do you have? What data do you have? How is the system performing? How are we actually publishing that data so that Ontarians can understand, in regions across the country, how they're doing relative to each other?

It's the carrot-and-stick approach, I find, with transparency with data. Again, people come to work to do the right thing. They can actually focus on where they're the weakest and brag about where they're the strongest. I really believe that, in Health Quality Ontario, we're going to have to develop some metrics and hold ourselves as people accountable to those metrics, to make sure we're using the system in the best way that we can—

The Vice-Chair (Mr. Rick Bartolucci): Shelly, that exhausts the time for the official opposition.

Ms. Shelly Jamieson: Oh, darn. Sorry.

The Vice-Chair (Mr. Rick Bartolucci): We'll move to the third party. Monique, are you going to go first, or Percy?

Miss Monique Taylor: Sure.

The Vice-Chair (Mr. Rick Bartolucci): Monique?

Miss Monique Taylor: Good morning. Thank you so much for being here with us today. You definitely have a very extensive background and involvement within the government. I would like to know what further account-

ability and transparency measures you would like to see coming forward through our health care system.

Ms. Shelly Jamieson: I would like to see—I'm going to say a scorecard, but the equivalent of a scorecard or a quality report coming forward. What we care about, we measure. If we don't care about it, we actually don't measure it. I've learned a lot about that.

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I think the health system is our system. When I was a commissioner on the Health Services Restructuring Commission, I was quite struck by how many hospital CEOs and chairs came in and presented as if this was their institution, and we fund those institutions. These institutions belong to the public, and I think there should be more transparency about how well they are doing with the resources they're given, not just from a financial perspective but from a quality perspective and from a volume perspective. We have different pressure points in the system and I think we should understand where they are.

We have other places that, frankly, perhaps—and I don't mean just hospitals; I could do this across the health system—probably aren't performing up to what we would expect of them. I think that as institutions or programs that are funded by public tax dollars, we should see more comparative data.

In the instance of whatever these quality metrics are that Health Quality Ontario is going to measure, I think there should just be a public posting, a public availability of how different parts of the system are doing, when we know the evidence says, "You should do X, Y and Z," whatever that is.

Miss Monique Taylor: Interesting. I have a question regarding long-term-care facilities and their inspections. They're supposed to be inspected yearly. When we put in complaints about inspections, they're priority-rated. What are your thoughts on those priority ratings, and do you think that that system is moving quickly enough?

Ms. Shelly Jamieson: Is it what enough? Sorry.

Miss Monique Taylor: Is it moving quickly enough? Are the inspections happening in a timely manner?

Ms. Shelly Jamieson: I always find it interesting—and I come from a long-term-care background. There's no more highly inspected part of the health system than long-term care. We don't inspect home care like that. We don't inspect hospitals—hardly at all. There's a rigour in there because we're looking after frail, elderly people and because we need a little more openness, and I understand that.

I actually think they're highly inspected. At one point, I remember hearing it's second only to the nuclear industry in this province in terms of the number of regulations that pertain to inspection.

I think it's important to triage those kinds of complaints that come in. There are lots of complaints that come in. Some of them are very well-founded and need to be investigated, and some of them are frivolous. I think it's important for the inspector and the ministry to actually have a good enough relationship with the facility that they understand what they're doing when they go in.

Some of them should be investigated immediately, and I think there's a high volume that we actually would normally expect when you start to put a process like this in place. You end up with a higher volume until things settle into the norm.

My dad's in long-term care in this province, with Alzheimer's. I worry about him. I think I have a role as a family member. I tell my mum, "Don't show up at the same time every day. Show up at different times, just because it's good for the home to know that you will show up whenever you feel like it." I think we have a right to worry. I think we have a pretty good, rigorous process. We have to make sure we're getting through it and getting it done and we're inspecting the right things, not how the orange juice is poured in the kitchen, but perhaps what's happening with bedsores and what's happening with emergency exit plans, the things that really count.

I suspect one of the problems is that we're so busy counting the millions of things we're doing when we inspect long-term care that we're not getting through as many as fast as we should on the issues that are most important and pertain to quality and safety.

Miss Monique Taylor: Thanks. Chair, how much time do we have?

The Vice-Chair (Mr. Rick Bartolucci): You have exactly three minutes.

Miss Monique Taylor: Okay. I want to make sure I leave some time here for my colleague.

I have a complaint to my office. I was told about six to eight months for an inspection of a long-term-care facility. I think it's wrong. I think we should be doing better. I'll just leave it at that.

Ms. Shelly Jamieson: That's a long time.

Miss Monique Taylor: That's a long time.

The Chair (Mr. Rick Bartolucci): Percy?

Mr. Percy Hatfield: Thank you for coming in; a very impressive resumé, and thank you for all the years in public service that you've put in and thank you for working for cancer care now.

In Windsor-Essex, our local health unit is the most underfunded in the entire province and yet we have higher cases of cancer than everywhere else in the province. Would you be willing to look at the funding formula to see if that can be restructured in some way?

Ms. Shelly Jamieson: I haven't yet spent a lot of time with Health Quality Ontario, though one of the things that caught my eye is how instrumental they've been in working with the Ministry of Health to look at the hospital funding model just for exactly that reason. So it seems to me that the model went from global funding to something better, with the help of HQO, and it would seem to me that that same kind of formula review or whatever, perhaps HQO could be helpful in looking at public health units.

Mr. Percy Hatfield: And do you have oversight over LHINs?

Ms. Shelly Jamieson: I don't believe so—not that I know of.

Mr. Percy Hatfield: All right. I talked to the warden of Essex county, and they provide a municipal old age home. They never were expected to provide the highest quality of care that they have to do now, and it's very expensive for them. Is there any way of allowing municipalities to do lower care in their old age homes as opposed to what's happening now?

Ms. Shelly Jamieson: I'm sure there is. I guess my own bias is this: The operating funding level is too low in the province of Ontario, so the level of care isn't at the level it needs to be, and those people are sitting in hospital, which is a very high, high level of care, filling up hospital beds.

So I guess my argument would be that it would be better for those people with the lower level of care to not actually be in a long-term-care facility. They should be somewhere else and with the assists they need. Nobody wants to be in a long-term-care facility. You should only go there when that's the only place that your needs can be met.

Mr. Percy Hatfield: Just one final question, and I don't know if I have time or if it's in order.

The Vice-Chair (Mr. Rick Bartolucci): A quick one, please, Percy.

Mr. Percy Hatfield: I'm new at this, so I don't know if I'm allowed to ask you this, and I'll be ruled out of order if I'm not, but when you were there as secretary of cabinet in 2008 to 2012, were you there during the gas plant questions and decisions?

Ms. Shelly Jamieson: I was. I was there for the decisions to cancel the plant and not for the release of the documents.

Mr. Percy Hatfield: Right, and have you been called yet as a witness?

Ms. Shelly Jamieson: Yes, I have. I have appeared.

Mr. Percy Hatfield: Thank you. I just wanted to clarify that.

The Vice-Chair (Mr. Rick Bartolucci): Thanks, Percy. Thanks, Shelly.

We'll now move to the government, and Bill Mauro will start off.

Mr. Bill Mauro: Chair, thank you very much. Ms. Jamieson, good morning, and thank you for being here and for offering to serve once again. We look forward to your contributions, and on behalf of our government, thank you very much for putting your name forward. I do have a couple of comments and then a question, and I don't know if anybody else has any, but that will be it for me.

First of all, the issue of physio was raised, and you have rightly pointed out that there is a tremendous amount of resource in health care; it's a very large organization. We need to find ways to ensure that people are getting the right care at the right time and in the right place. Physio is a great example of that. There were four companies in the province of Ontario operating 91 clinics, and some of the work that they were doing would be to have a non-physio person running an exercise class—not physiotherapy but an exercise class—in a long-term-care home with 30 or 40 people sitting in

chairs for 30 minutes and billing OHIP about \$12.30 per person—so for a half-hour class from a non-physio person, the government would be billed whatever that totals up to.

When you extrapolate that out over the course of the year—and it's been going on for decades—you can see how much money was being used. Even though exercise for seniors is still important, it wasn't one-on-one physio. I think many of us could say that even though there was some value to it, there were ways that it could have been used better, and what the minister would say if she was sitting here is that what's going to happen through this reform is that you're going to see significantly more one-on-one physio. It goes to the point that you have made, and that I am going to make at the end here, about trying to find ways to get the right care at the right time in the right place, because it's better and it's a more effective use of our resources. I just wanted to mention that about the physio. I'm not sure if the member opposite, who raised the issue, was aware of some of the ways that money was being spent, and we feel it can be spent better.

Long-term care was raised, and I'm happy to hear that my friends in the opposition are interested in spending more money, because normally when we're in the Legislature, we often hear concerns around, "Don't spend any more money," but it sounds like there's a request for, I'm not sure how many tens of millions or hundreds of millions in long-term care they're interested in, but—

Mr. Randy Pettapiece: Oh, come on.

Mr. Bill Mauro: Well, there's a request for more long-term care, and it's not inexpensive. I'll give you an example right now. In my riding, they said there are no long-term-care beds being built. Right now, in Thunder Bay–Atikokan, in my riding, there's a brand new 416-bed long-term-care home being built—right now—and a 132-unit new supportive housing facility that just opened a little while. The focus of the supportive housing unit project, again, was, as you say, to get the right care for people. Those ALC patients, if they were not in a supportive housing unit project that was just completed—many of them might have been in a long-term care bed or they might have been in a hospital bed. We know that's not where they need to be.

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My point on this is that when we talk about going from \$30 billion to \$50 billion being spent on health care since we came into government and the need to find the best use for those resources, it's important that that change come forward.

I've heard the chronic criticism of "cuts to health care." In fact, what has gone on—and I want to know if you're aware of it and if you're supportive of it. Maybe hospital budgets have been not so much frozen or declined, but they're certainly not at the rates they were getting in the first seven or eight years. What the minister has tried to do is drive more of the health care money into community-based care. It was exactly the point that you've been making. I think it's important that we extend

that out here a little bit, whether it's for mental health and addictions, whether it's for respite care, whether it's for supportive housing units. All of these things are important, and you make exactly the point.

Interjections.

Mr. Bill Mauro: It may seem funny to members of the opposition, but it's absolutely important because, as I see it, over the course of the next five, 10 or 20 years there are going to be some major decisions that are necessary in Ontario when it comes to health care and I think even nationally, and I think you have a sense of that.

I want to know, first of all, if you're aware of the minister's approach on community-based care and trying to drive more of the health care resources there, and what your thoughts are on that and how you plan on measuring the effectiveness of that approach.

The Vice-Chair (Mr. Rick Bartolucci): Shelly, just before you start, you have two minutes to do it.

Ms. Shelly Jamieson: Okay. It is true that what is happening in Ontario is slowing the growth of the health care budget, and there is some redistribution. I'm going to pick up on something, though. The trick is, is that exercise class still going to go on in that long-term-care facility?

Mr. Bill Mauro: There will still be exercise classes.

Ms. Shelly Jamieson: Because obviously, the long-term-care facility was using this method to get that class, so the fact that it wasn't working and it was costing too much is one thing. We still need the exercise class for the seniors—

Mr. Bill Mauro: I'm clear on that.

Ms. Shelly Jamieson: —which I think is the point and hooks to the operational funding comment on: What level of care are we providing in long-term care?

The Vice-Chair (Mr. Rick Bartolucci): Thanks very much, Shelly. That exhausts the time for the government, so Shelly, thank you very much. This concludes our time. You're welcome to stay here, or I think we would probably be asking for concurrence around 10 after or a quarter after; you can come back.

Ms. Shelly Jamieson: Thank you very much.

The Vice-Chair (Mr. Rick Bartolucci): Thank you so much.

MS. MARGARET FANCY

The Vice-Chair (Mr. Rick Bartolucci): Our next intended appointee today is Margaret Fancy, nominated as a member of the St. Lawrence Parks Commission. Margaret, please come forward. Welcome. Thank you very much for being here. You may begin with a brief statement if you wish. Members of each party will then have 10 minutes to ask you questions. Any time that you use in your statement will be deducted from the government's time. Welcome.

Ms. Margaret Fancy: Thank you for giving me the opportunity to meet with you today. My interest in the St. Lawrence Parks Commission has been a long-standing one, and I now feel that I'm at a point in my personal and

professional life where I can hopefully make a contribution to its work. I will highlight, from my resumé, aspects of my professional and community experiences that I believe have provided me with the skills and qualities needed to fulfill the role as commissioner.

I'll begin with my career in education. I worked for what is now the Catholic District School Board of Eastern Ontario for 32 years as a teacher, school principal and system principal responsible for curriculum. The Catholic district school board extends from Gananoque to the Quebec border. During that time, I had the opportunity to work in and with a number of communities along the St. Lawrence.

Drawing on the educational, cultural, recreational and environmental experiences offered through organizations like the St. Lawrence Parks Commission, I supported schools in making correlations between curriculum and community programs. I think there are many exciting opportunities for partnerships with education, and with my background I bring experience with such initiatives and a vision for their potential in the future.

In 2007, after my retirement from education, I took on the role of community planning coordinator for Every Kid in Our Communities of Leeds and Grenville. Every Kid is a coalition of over 40 children's service providers in Leeds and Grenville, including all Ministry of Children and Youth Services-funded agencies, health, municipal government, NGOs, recreation and education, to name some, working together to initiate, support and evaluate services and improve outcomes for children, youth and their families.

My role is funded through the Ministry of Children and Youth Services.

In addition to partners in Leeds and Grenville, I plan and communicate with multiple partners across eastern Ontario. The breadth of my job has earned me the nickname "The Connector."

As a member of the steering committee for the Healthy Communities Partnership of Lanark, Leeds and Grenville, chaired by our medical officer of health, I work with a wide range of community partners to promote and support increased physical activity. This includes fostering awareness and use of trails, parks and other recreational facilities. In addition to the physical health benefits of being active, the partnership highlights the benefits to mental health and well-being. We work closely with municipal government to help them make links between improved outcomes for citizens in their community and physical and mental health and well-being.

I've worked closely with the Tamarack Institute to develop strategies to foster community development and have been involved with a number of workshops offered through the Rural Secretariat to foster economic development through tourism and recreation.

As you can see from my resumé, my work has been rooted in my community and in communities across eastern Ontario. My experiences in education and community planning have required skills in leadership, stra-

tegic planning, community development, consensus building, fundraising, managing budget priorities, working with diverse partners, meeting ministry goals and deadlines, and understanding the interconnectedness between recreation, economy, culture and the environment.

In addition, my work on community boards has provided me with experience in setting direction as defined within the parameters of policy and legislation. I have a clear understanding of the difference between oversight and management.

If I might end on a personal note, as a child my family visited Upper Canada Village every summer, and my family has continued that tradition. My degree many years ago was in Canadian history, and I continue to stay involved in working with local groups devoted to local and regional history.

For the past several years, I have been fortunate to live on the Thousand Islands Parkway. I am a consumer of the St. Lawrence Parks Commission in all its many aspects. As a resident and a consumer, I have gained first-hand knowledge of the economic, recreational, educational and health benefits that the parks commission brings to our communities, and I would be excited to be part of their important work. Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Thank you very much, Margaret. We are going to now start the questioning with the third party. Percy?

Mr. Percy Hatfield: Thank you for coming in. Yes, I think you're well qualified for this role. Are you familiar with the—I forget if it's called the St. Lawrence and Great Lakes initiative or the Great Lakes and St. Lawrence initiative.

Ms. Margaret Fancy: Yes, I am. I'm familiar with the partnership, yes.

Mr. Percy Hatfield: All right. Because I think in your new role you'll be playing a role in that initiative as well, right?

Ms. Margaret Fancy: Yes.

Mr. Percy Hatfield: I guess my second question is a silly one, but do you have relatives in Windsor and Essex county?

Ms. Margaret Fancy: Windsor and Essex—no, I have friends but not relatives.

Mr. Percy Hatfield: Oh, because there's a Fancy family down there and they own a winery. I think it's Viewpointe. I thought maybe you could look them up and say hello next time you're down there. Maybe there's a family connection and—

Ms. Margaret Fancy: There could be.

Mr. Percy Hatfield: —some wine.

I notice on your resumé—I'm sorry, in your references—one from a retired judge.

Ms. Margaret Fancy: Yes.

Mr. Percy Hatfield: I thought that was unusual. I haven't noticed judges giving references before. What's your relationship or how do you know the judge?

Ms. Margaret Fancy: Well, he's been a personal friend, and when he became—in my work as the coordinator for Every Kid in Our Communities, he approached

me and our coalition to help set up a community program to develop a strategy to use court diversions to support addressing the root causes of youth crime.

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Through working with Judge Anderson and a number of members of the legal community and multiple community partners, we've set up what is known as the Criminal Court Community Fund, which I helped him set up, helped him develop the partnerships, and have helped him administer. So I used him as a reference, certainly, in terms of my ability to bring community partners together.

Mr. Percy Hatfield: Very commendable. I can see where you got the nickname "The Connector." Thank you.

Ms. Margaret Fancy: Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Monique?

Miss Monique Taylor: Thank you very much for being here. Some of the commission's facilities, such as Fort Henry, deal with funding from the federal government. Have you dealt with the federal government in any other aspects, and do you have any of that relationship?

Ms. Margaret Fancy: Yes—

Miss Monique Taylor: "The Connector."

Ms. Margaret Fancy: As "The Connector." I've worked with Heritage Canada, when I was with the school board, on some programs involving our students, particularly around the Canadian flag. The theme of the Canadian flag has continued. Actually, most recently, I've been working again with Heritage Canada around the designation of Brockville as the birthplace of the Canadian flag, because of the work of our former member John Matheson. So I have worked with Heritage Canada.

In my current work, I've also worked with Health Canada on a partnership around preventing addictions, working with young girls and the root causes of addiction. We had a grant through Health Canada, and I've had some close links there.

I've also worked with youth justice on a program that addresses youth homelessness and its root causes.

Miss Monique Taylor: That's really great. I think your resumé, and the extensive things that you've done with children and youth in our province, is obviously outstanding. How do you believe that you could bring that into the St. Lawrence Parks Commission? Do you feel that you can tie the two together? At-risk kids, and how it will benefit them: Do you see any link there?

Ms. Margaret Fancy: I think when we talk about commissions like the St. Lawrence Parks Commission, I really see the interconnectedness with community and all aspects of community, including youth. I do bring my background as an educator, where—encouraging students not only to be consumers of the St. Lawrence Parks Commission, through educational visits to its sites and using the trails and that kind of thing, but also to be stewards and to develop an understanding of the importance of their heritage, where their heritage comes from—and contributors.

Maybe using one example: This wasn't a partnership with the parks commission, but it was a partnership with

one of our municipalities, where students in a wood-working class worked with their municipal government to build outdoor furniture for the local park. Through that, though, they researched why the park was named and who the park was named for, and that sort of thing.

I see wonderful opportunities to engage youth in the use of the parks and in the stewardship piece.

Miss Monique Taylor: That's very good. Thank you for that. No further questions.

The Vice-Chair (Mr. Rick Bartolucci): Thanks, Monique.

We'll now move over to the government side for questioning. You have approximately four minutes. Mitzie?

Ms. Mitzie Hunter: Ms. Fancy, thank you so much for putting your name forward. Certainly, as a community member, you have demonstrated your care for the community while at the same time managing what I'm sure was a very demanding career, and you continue to do this as well.

I just wanted to say thank you for your passion that you bring but also for the knowledge and the experience that you bring to this very important work, which is to safeguard our waterways and our natural systems.

I just wanted to say thank you for that and wish you the best.

Ms. Margaret Fancy: Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Thank you, Mitzie.

We'll now move to the official opposition. Jim, are you going to start questioning?

Mr. Jim McDonell: Yes. Thank you. Being from eastern Ontario, Upper Canada Village in my riding has always been quite a proud tourist attraction. But the St. Lawrence Parks Commission over the years has not been—the relationship with the municipalities has not always been great, I guess, on a couple of occasions. In our former township that I was in, in Charlottenburgh, they closed the park, Charlottenburgh Park, and the township tried to take it over, but it was refused at the time. This was back in the early 1990s. Then to be given over the ability to open it up when I was mayor, it had a cost of over a million dollars to make it about half the size it was because of the damage and things that had been done in the years it was closed. One of the conditions we had was, we had to pay a huge percentage back to the parks commission, which really has not helped us at all as far as restoration.

I know in Long Sault, something similar happened, and then after running it for 20 years, the commission took it over just a couple of years ago because they thought they could turn a profit, and now they're complaining they can't afford to cut the grass. The residents are furious because something that used to be quite well run and manicured is now in rough shape.

It kind of shows they can run some of the larger ones—Fort Henry—but sometimes, a better relationship with the local townships—who were doing quite well. In our case, Charlottenburgh, we were at capacity. The fear now is that you'll come back and want to take that one

over after the township investing somewhere north of a million dollars into it through the different programs.

What's your take on getting along—and maybe not having to do everything, but letting some of the municipalities do something that maybe would save money for the commission? Because the commission is always short of money and having an issue with trying to fund some of the larger projects.

Ms. Margaret Fancy: Not yet being a board member, I certainly can't speak to specifics, but I do think that in relationships between all levels of government, fostering relationships is critical. I see the commission being at a point in time when I look at—one of the goals of the commission's work is to foster strong community partnerships. Certainly that has to include municipal government.

Sometimes—and this may sound very simplistic, but I've found it very effective—I feel it's going and really sitting down with municipal councils and having conversations about what they see for their community. Those dialogues are important. Just giving an example, in my own work, we have 13 municipalities in Leeds and Grenville, and I've spoken to each and every one of them about healthy communities, building healthy communities and good places to work and live in, and the importance of recreation and tourism as part of that. I think building on those conversations and seeing where one partner can contribute to the work of the other is essential.

Again, in its stewardship, I know that the St. Lawrence Parks Commission has challenges around maintaining some of those historic buildings which, as we know, over time, need more money and more work—and maintaining their parks. But good relationships with municipalities are key.

Just to cite one of the positive things that's happened in my own community—I live in the municipality of Front of Yonge, a small municipality along the Thousand Islands Parkway. There were a lot of complaints from local residents about the cost of using Brown's Bay, so there was an agreement reached between the parks commission and our local municipal government that there would be reduced rates for local citizens if they bought a season's pass or a half-season pass. Again, that's been a gesture of goodwill. It's those gestures of goodwill that I think we can build on.

The Vice-Chair (Mr. Rick Bartolucci): Randy?

Mr. Randy Pettapiece: Thank you. That kind of leads up to my question as to co-operation between government and local municipalities. The commission has tried to increase its revenue a bit by offering some on-site services, such as dry docking at Chrysler Park Marina. This sometimes can be seen as competition with private enterprise along the St. Lawrence. There needs to be some kind of a dialogue between the two parties to see what the best consensus is that can be reached.

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How can you ensure or how can you help to ensure that the commission continues to balance its focus on the

consumer and revenue with the spirit of co-operation with the local community? I think you cited an example there. I was wondering if you had any more examples.

Ms. Margaret Fancy: I think, again, it's having those conversations, whether it's with the business or the tourism and recreation providers, and working together to develop common strategies.

I've noticed, just in my reading, and, of course, in living in the community, that the St. Lawrence Parks Commission has developed a number of events and programs that are in what they call the shoulder seasons, in the spring and the fall, when the parks aren't used quite as much.

I hear certainly anecdotally through the community that at Upper Canada Village there was a local food market and festival recently. That brought together a number of our local chefs and restaurant owners and farmers. Again, that was because of a dialogue when people started to look at where the gaps were, in terms of service, to providing recreational opportunities where some of the opportunities were.

I think there are some great models. I look at Prince Edward county and other communities where they've really pulled together members of the tourism, business, agricultural and recreation communities to have those conversations and to develop plans together and not in isolation. I think that's key.

The Vice-Chair (Mr. Rick Bartolucci): Great. All right. This ends the time for questioning. Thank you very much, Margaret.

We'll now move to concurrence. We will now consider the concurrence of Colleen Campbell, nominated as a member to the Ontario Infrastructure Lands Corp. (Infrastructure Ontario). Would someone please move the concurrence? Laura?

Mrs. Laura Albanese: I move concurrence in the intended appointment of Colleen Campbell, nominated as member of Ontario Infrastructure Lands Corp. (Infrastructure Ontario).

The Vice-Chair (Mr. Rick Bartolucci): Are there any questions? Comments? All in favour? Approved.

We will now consider the concurrence of Shelly Jamieson, nominated as a member of the Ontario Health Quality Council. Would someone please move the concurrence?

Ms. Mitzie Hunter: Mr. Chair, I move concurrence in the intended appointment of Shelly Jamieson, nominated as member of the Ontario Health Quality Council.

The Vice-Chair (Mr. Rick Bartolucci): Thanks, Mitzie. Are there any questions or any discussion? All in favour? Approved.

We will now consider the concurrence of Margaret Fancy, nominated as a member of the St. Lawrence Parks Commission. Would someone please move the concurrence? Laura?

Mrs. Laura Albanese: I move concurrence in the intended appointment of Margaret Fancy, nominated as member of the St. Lawrence Parks Commission.

The Vice-Chair (Mr. Rick Bartolucci): Is there any discussion? All in favour? Opposed? Carried.

Thank you very much to the three people for your very, very honest answering of the questions. It's much appreciated.

Now we have a motion. Do you want to hold that motion, because we've got about two minutes before the bell goes.

Mr. Jim McDonell: I would like to read it.

The Vice-Chair (Mr. Rick Bartolucci): Okay. No problem. It's being passed out.

The official opposition has filed a motion. Jim, could you read it, please?

Mr. Jim McDonell: I move that the Standing Committee on Government Agencies meet to conduct an agency review on Metrolinx; and

That the committee shall conduct this review during regularly scheduled meeting days beginning on November 5, 2013; and

That the committee direct the Chair to write to the House leaders of the recognized parties to request that the committee sit for one day per week while the House is in recess from 9 a.m. until 12 noon and 1 p.m. to 4 p.m.; and

That this motion be subject to the committee choosing to undertake other business pursuant to its mandate.

The Vice-Chair (Mr. Rick Bartolucci): Thanks very much, Jim.

Just by way of maybe clarification and a little history, on April 2, 2012, the subcommittee met and selected the following agencies for review: The official opposition asked for the LCBO to be reviewed; the third party, the WSIB; and the government chose the Metropolitan Toronto Convention Centre Corp. The review of the LCBO has already been tabled. The review of the WSIB—the process is unfolding. It's in for translation, and we believe that it's going to be tabled before the end of the month or in November. The review of the MTCCC has not begun yet. I'm wondering: Does it make some sense to refer this motion to the subcommittee, and the subcommittee can determine what they're going to do with the MTCCC and then bring it back to the committee with recommendations?

Mr. Jim McDonell: We would like to see it dealt with now. In our opinion, the House was prorogued, so it has opened up the slate again. We would like to see this dealt with by this committee, which it will have to be if it comes back anyway.

The Vice-Chair (Mr. Rick Bartolucci): Monique?

Miss Monique Taylor: We're happy to see it come back after the fact, but we would agree with going forward with Metrolinx also.

The Vice-Chair (Mr. Rick Bartolucci): Okay. Government spokesperson?

Mrs. Laura Albanese: I would have preferred that the subcommittee met, but at the same time, if it's the will of the majority of the committee—

The Vice-Chair (Mr. Rick Bartolucci): Bill?

Mr. Bill Mauro: I'm wondering if we could just ask for a five-minute recess, Chair.

The Vice-Chair (Mr. Rick Bartolucci): Okay, a five-minute recess granted. We'll still have the time before the bell rings.

The committee recessed from 1017 to 1024.

The Vice-Chair (Mr. Rick Bartolucci): All right, let's reconvene. We have a motion on the table. Is there any discussion? Laura?

Mrs. Laura Albanese: Yes. I wanted to point out and ask—as the Chair pointed out, we have completed the LCBO, and we are almost at the completion of the WSIB, which were choices of the opposition and of the third party, but we have not had a chance to look at an agency from the government side. So just for a question of fairness, it seems to me that putting this forward—and November 5 is only, let's say, two weeks. We would be bumping a lot of people whom you, as opposition parties, have chosen also as appointees to come forward. So just for a question of fairness, don't you think that it would be our turn first to look at the Metro Convention Centre, as we had agreed, and then go to Metrolinx?

The Vice-Chair (Mr. Rick Bartolucci): Okay. Jim?

Mr. Jim McDonell: I'd answer yes, we believe in fairness, but we didn't agree with the prorogation either, and that resets the plate. So, really, that's where we are, and it's up to the committee now to choose where they want to go. We didn't reset the Legislature; the government did. So now we're responding to their actions.

The Vice-Chair (Mr. Rick Bartolucci): Laura?

Mrs. Laura Albanese: Yes, but as a committee, we've always respected the turns of each party. That has nothing to do with the prorogation, which was out of many of our controls. So it's a committee functioning, right?

The Vice-Chair (Mr. Rick Bartolucci): All right. The bells are ringing, which means we have to adjourn. This will be, I would imagine, the first item of business in the next meeting.

Miss Monique Taylor: I call the question, Chair.

Mr. Jim McDonell: She called the question.

Miss Monique Taylor: I call the question.

The Vice-Chair (Mr. Rick Bartolucci): No, but the reality is, the bells are going and we adjourn. So we will—

Miss Monique Taylor: But the bells were going beforehand and we still had other members speak.

The Vice-Chair (Mr. Rick Bartolucci): Right. But now—

Miss Monique Taylor: If we call the question right now instead of—

The Vice-Chair (Mr. Rick Bartolucci): No, the question isn't called when the bells are ringing. The bells mean the committee is adjourned. So we will bring this back as the first item of business next meeting. This meeting is adjourned.

The committee adjourned at 1027.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 29 October 2013

Journal des débats (Hansard)

Mardi 29 octobre 2013

Standing Committee on Government Agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 29 October 2013

Mardi 29 octobre 2013

The committee met at 0901 in committee room 1.

COMMITTEE BUSINESS

**The Clerk of the Committee (Ms. Sylwia Przedz-
ziecki):** Good morning, honourable members. Owing to the absence of both the Chair and the Vice-Chair, it is my duty to call upon you to elect an acting chair. Are there any nominations? Ms. Hunter?

Ms. Mitzie Hunter: Kevin Flynn as the Acting Chair.

**The Clerk of the Committee (Ms. Sylwia Przedz-
ziecki):** Thank you. Any further nominations? Hearing no further nominations, I declare nominations closed. All those in favour of Mr. Flynn?

The Acting Chair (Mr. Kevin Daniel Flynn): Okay. Let's call it to order. We have an agenda before us, everybody has an agenda, and I think just about everybody is here. Jim is on his way, or—

Mr. Jeff Yurek: He's in the House.

The Acting Chair (Mr. Kevin Daniel Flynn): Good. Ms. Wong?

Ms. Soo Wong: Mr. Chair, I have two amendments to the motion that was presented, I think in the previous meeting, by MPP McDonell, so I want to make sure that's on the table before we do any votes, that the committee knows in advance that I have two amendments to the motion.

Mr. Jeff Yurek: Do you have copies?

Ms. Soo Wong: Yes, I do.

The Acting Chair (Mr. Kevin Daniel Flynn): Just so we know where we're starting from here, ladies and gentlemen, our first order of business is to consider a motion that was moved by Mr. McDonell at our last meeting that all members should have before them. That's currently on the floor. Jim isn't here to restate the motion, but we all know what that motion is.

On March 6, the subcommittee made the following decision, which was adopted by the full committee on March 19, 2013: that the committee begin consideration of the Metro Toronto Convention Centre Corp., selected for review in the previous session, after completion of the two written reports on the WSIB and LCBO.

The motion that Jim had placed on the floor is on the floor—it would be nice if he was here to restate it, but I don't think that's necessary—and the amendments now have been placed by Ms. Wong. Speaking to the amendments, Soo?

Ms. Soo Wong: Yes. I have copies, Mr. Chair, so the Clerk can—okay. I have two amendments to the motion. I just want to make sure it's on record. There are actually two sheets going around.

The first part to the motion: I move that the words “on November 5, 2013” be removed and replaced with “upon completion of the committee's review of the Metropolitan Toronto Convention Centre Corp.” That's the first part of my amendment. Then—

The Acting Chair (Mr. Kevin Daniel Flynn): Let's deal with that, then, Soo. We'll only put the one amendment on the floor at the same time. Speaking to that amendment?

Ms. Soo Wong: Mr. Chair, I think it's very, very important to understand that in April 2012 the subcommittee met and selected the following agencies for review: The opposition asked for the LCBO to be reviewed, the third party asked for the WSIB to be reviewed and the government chose the Metropolitan Toronto Convention Centre (MTCCC) for review. The review of the LCBO has already been tabled. Furthermore, the review of the WSIB is also finished, and it is my understanding that it's going to be tabled before the end of this month or in November. The review of the MTCCC has not begun yet, and now we have the motion from Mr. McDonell.

I find the comments made by the member opposite last week—I wasn't here. I understand it was quite misleading for him to justify his motion. I need to remind everybody—I mean, as a new member, to sub for the committee—that we have not completed the review of the third agency yet, and that is the MTCCC.

I also want to go on record, Mr. Chair: The member from Stormont–Dundas–South Glengarry alleges the prerogation somehow reset the slate of review here in this committee and now we have refreshed, but that's not correct, Mr. Chair, because each caucus chose one agency for review. The opposition was reviewing the LCBO and the third party the WSIB; the government chose the MTCCC. I want to be sure, as there are a couple of us who are subbing today, that the committee picks up the work where it was left off after we reconvened in the spring of 2013. We need to review the LCBO and WSIB, and to understand that we start with the MTCCC upon the completion of the committee's review of the first two. I want to ask, and also remind the committee, that we need to respect the spirit of the committee, but also that

the subcommittee did all that work back in 2012, and now we have a new motion.

I'm not saying that we don't do this stuff, but the fact is that this already started its course in 2012, so we need to make sure that, when we review and we agree—all three parties—upon each of these agencies, we stand and also adhere to those timelines, and respect each other when we select agencies. I'm happy to answer any questions, but also to encourage members to look at what the subcommittee has done. Going forward, we need to respect this timeline. Thank you, Mr. Chair.

The Acting Chair (Mr. Kevin Daniel Flynn): Are there any further speakers to this? Mr. Fraser?

Mr. John Fraser: I'd just like to support the member in saying that the committee's business has been set already in terms of the agreed-upon sequence, which was: There was a request for the LCBO to be reviewed; that's been done. The third party asked for the WSIB, and I believe the WSIB is still being finished right now, but it will be tabled at some point soon. Our choice was the Metro Toronto Convention Centre. Saying that prorogation somehow changed this is just not the fact, because I understand that the committee's business just took up where we left off. I think it's fair, and the motion is a fair and reasonable one, and we'd be happy to support the member's motion with this amendment, given that we get the Metro Toronto Convention Centre done.

0910

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you. Any further speakers?

Miss Monique Taylor: Call the question.

The Acting Chair (Mr. Kevin Daniel Flynn): I think, Soo, you still had a—

Ms. Soo Wong: Just one more, just for the committee on record, Mr. Chair. Just on record, that I got extra notes with regard to the fact that after we came back from prorogation, this committee reviewed the WSIB on April 16, 2013, and also on April 9, 2013. So it is very important, Mr. Chair, that when we have committee work, we set the timeline, and especially all three parties' decision to choose one agency. Those timelines need to be respected and we need to honour that, please. It isn't respectful, and more importantly, the committee needs to go on with the stuff that we have set out from the very onset. Thanks, Mr. Chair.

The Acting Chair (Mr. Kevin Daniel Flynn): Okay. Just for the members, the Clerk is printing off the report of the subcommittee that the committee adopted on, I think, it was March 19, just so that everybody has got that in front of them. The committee then will have to decide if the motion from Mr. McDonnell is in addition to what the committee has already decided to do or in place of what it's already decided to do.

Miss Taylor?

Miss Monique Taylor: Chair, we've tried to call the question.

The Acting Chair (Mr. Kevin Daniel Flynn): You've tried to call the question?

Miss Monique Taylor: We've heard the arguments; we're calling the question on the amendment.

Interjections.

Ms. Soo Wong: At this point, are we voting on the entire motion?

Miss Monique Taylor: No, we have to vote on the amendment now that's on the floor.

Ms. Soo Wong: Okay, that's all I wanted to know. Thank you.

The Acting Chair (Mr. Kevin Daniel Flynn): Okay. Have all members who want to speak to the amendment spoken to the amendment? Okay. Thank you.

Miss Monique Taylor: This isn't an unbiased Chair. I'm sorry, but—

The Acting Chair (Mr. Kevin Daniel Flynn): I beg your pardon?

Miss Monique Taylor: Well, Chair, you're pointing it out very clear that you're being biased against us here because you're pushing it on—

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you.

Miss Monique Taylor: —to have members speak when we've called the question.

The Acting Chair (Mr. Kevin Daniel Flynn): I don't think I need your advice on this, Miss Taylor. You're welcome to stay; you're welcome to leave. Are there any members of the committee that want to speak to the motion and haven't spoken to the motion, including the opposition members? Ms. Hunter?

Ms. Mitzie Hunter: I really want to emphasize that the work of the committee and respect for the work of the committee is certainly important. We have looked at the LCBO and the WSIB, which is in report-writing stage. Following that, the MTCC, the Metro Toronto Convention Centre, is next up. I think that what we're seeking here is to complete the work of the committee as it was intended and then to move on to Metrolinx or another agency. I think that's what we're saying; it's to really respect that work of the committee and the fairness in terms of how we have been working as a committee for all of this year.

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you. Mr. Pettapiece and Mr. Yurek.

Mr. Randy Pettapiece: Just a bit of clarification for my own information: When somebody calls a vote, does that not end debate?

The Acting Chair (Mr. Kevin Daniel Flynn): No. What happens is that it's the discretion of the Chair. If all members that want to speak on the motion have been heard, then the Chair will call the vote.

Mr. Randy Pettapiece: Yes, but if one of us asks to call the vote on that, that doesn't shut down debate?

The Acting Chair (Mr. Kevin Daniel Flynn): It doesn't shut down debate automatically. If you had been speaking for hours and you said, "Okay, that's enough, we've heard from everybody now," perhaps the Chair would agree with you. Ms. Hunter hadn't been heard from. I don't think any member of the opposition, up until you spoke, had been heard from.

Mr. Randy Pettapiece: Thank you.

The Acting Chair (Mr. Kevin Daniel Flynn): Mr. Yurek, then Mr. Hatfield.

Mr. Jeff Yurek: Thank you, Chair. I just wanted to point out that the committee does its work and it's the decision of the committee as a whole what work gets done. We have a motion on the table about going after and reviewing Metrolinx, and I think that's what the committee should be focusing on and calling the vote and going forward on that.

The Acting Chair (Mr. Kevin Daniel Flynn): Okay, now just so that the Clerk understands, and perhaps you've raised a point here, Mr. Yurek, what are your instructions now to the Metro Toronto Convention Centre, which has started its work for the review? What's the committee's pleasure with the Metro Toronto Convention Centre?

Mr. Jeff Yurek: Right now we've put forth a motion to go forward with Metrolinx, and that's where we are in the table. I think we should deal with that issue. It would be great to call the vote, so we could move on.

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you. Mr. Hatfield?

Mr. Percy Hatfield: I call the question, Mr. Chair.

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you. Further speakers?

All those in favour of the amendment? Those opposed to the amendment? That amendment loses.

Ms. Wong, your second amendment.

Ms. Soo Wong: Thank you, Mr. Chair.

I move that the following words be added to the final paragraph of the motion:

"And, that prior commencing its review of Metrolinx, the committee will complete its review of the following appointments"—I understand, Mr. Chair, that one of the witnesses is here. I believe that there are supposed to be two witnesses before this committee today. I think it's very important that the nine proposed names before this committee need to be—especially since they're here, for the committee to recognize the fact that people are travelling far for this committee because this committee called them before this committee, and it's important that we respect that. I want to make sure that the committee respects the witnesses we called before this committee, that they be presented today so that they will go forward. I believe there are two witnesses here. Am I correct, Mr. Chair? The Clerk could verify that.

The Acting Chair (Mr. Kevin Daniel Flynn): We have with us this morning, James Garrah and Suzanne Clapp.

Ms. Soo Wong: Are they both here? I also believe that the committee has asked for actually nine witnesses here, so the first two were supposed to come today, and then the others: Janet Kilty, a part-time member for the Niagara grant review team; Anne Tennier, part-time member for the Hamilton grant review team; Gail Beggs, part-time member for OLG; Mary Beth Currie, part-time member, OLG; Frances Lankin, part-time member, OLG; Joanne Lefebvre, part-time member, OLG; and Elmer

Buchanan, chair and part-time member, ORC. So if the intent of this committee is to ask these individuals before the committee, it is important that we respect that. Furthermore, Mr. Chair, my understanding is that two of these nine individuals are present today. So, you know, it's one thing that we are debating among ourselves on which motions and what have you, but we've got to remember that we have individuals here waiting to be presented to the committee. Thanks, Mr. Chair.

The Acting Chair (Mr. Kevin Daniel Flynn): Further speakers? Mr. McDonell.

Mr. Jim McDonell: I think we tried to deal with this motion at the end of the last meeting, and the government wanted to defer this to the beginning of this meeting, so now to defer it again—I think it's just time to call the motion and have a vote on it.

Mr. John Fraser: Mr. Chair, I think the motion that's before us right now is a reasonable motion. We have some people coming forward to us who have an expectation today, and then, if you take a look at the other appointments in there, it's my understanding that the OLG requires these members for the functioning of the board, and also the ORC requires a chair. It's not an unreasonable thing to accommodate this and to go forward with it. These are people who are here today. Some have come at some distance to be before the committee, and I think that's a reasonable thing to be putting forward in the circumstance. That's what I'd like to say.

The Acting Chair (Mr. Kevin Daniel Flynn): Any further speakers? Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Mr. Chair.

I have absolutely no trouble at all dealing with the two members who have travelled here today to be heard and speaking with them today: Mr. Garrah and Ms. Clapp. They were on the agenda. If we want to do that, deal with the other question, and at the end of the meeting determine what happens at our next meeting, that's fine. I think the people came here today expecting to be heard and expecting a decision, if possible. I think we can do that, and the more we have dialogue about our next steps, the less time they're going to have to make their presentation.

The Acting Chair (Mr. Kevin Daniel Flynn): So what are you suggesting we do, Mr. Hatfield? Just so we're all clear; I wasn't.

Mr. Percy Hatfield: There are motions and amendments on the floor, and they have to be dealt with, but then, at the end of that, I think we should hear the two people that we came here today to listen to.

The Acting Chair (Mr. Kevin Daniel Flynn): Miss Taylor?

Miss Monique Taylor: Thank you, Chair. That was also my recommendation at this point, that we move ahead with James Garrah and Suzanne Clapp today, as expected to do so, and then have a subcommittee meeting to decide the rest of our agenda when it comes to dealing with the appointees who are to come before us.

But when it comes to having the Metro Toronto Convention Centre, I will be voting against that motion in the

respect that they did reset the clock, and as a committee we can decide on which agency we will bring before us next. Thank you.

0920

The Acting Chair (Mr. Kevin Daniel Flynn): Any further speakers?

Mr. Jim McDonell: Just a quick point.

The Acting Chair (Mr. Kevin Daniel Flynn): Yes, Mr. McDonell?

Mr. Jim McDonell: I think the original motion states that we start on November 5, so we'll still be seeing today's witnesses. We can start with those today. There's no problem with seeing—I think there's some talk that we have witnesses here today. We'll still see those, but this talks about the committee in the future.

The Acting Chair (Mr. Kevin Daniel Flynn): The Clerk is asking that I make all members aware that a decision was made by the subcommittee and then approved by the committee in this session, and that it is something that the committee should be aware of, basically: You've decided to do one thing, you've set that in motion, and here you appear to be deciding to do something else—which is well within the limits, but just so that everybody is aware that you've set something in motion and now you're doing something else.

Ms. Hunter.

Ms. Mitzie Hunter: I'm wondering, Mr. Chair, as was proposed by Mr. Hatfield, if we could hear the two people who have travelled. I understand that Mr. Garrah has come all the way from Gananoque to speak with us this morning. We could do that portion, and then come back to the motion and the various amendments, just out of respect for those who will be appearing. I think there are a number of questions. There was a suggestion that we take this to subcommittee, and I'd like to talk a little bit more about that, but I just feel, with the individuals who are here, that we should respect their time and fairness as well.

The Acting Chair (Mr. Kevin Daniel Flynn): Any further speakers? Mr. McDonell.

Mr. Jim McDonell: I believe the subcommittee did meet before the prorogation and we continued on with the two committees that we had started, but I think we have ample time to call a vote here. I think we should call a vote and get this behind us and hear the witnesses who are here today. We've had our discussions. I think it's clear that the committee as a whole has a direction it would like to take, and I think we should just move on that.

The Acting Chair (Mr. Kevin Daniel Flynn): Are there any further speakers?

Mr. John Fraser: I'd just like to restate something that I said earlier. It's not just the two people who are here to appear before us today, but we have a number of people. Specifically, if you take a look at the OLG appointments and the ORC appointments, there are appointments that those boards require to go forward and to function.

Miss Monique Taylor: Chair?

The Acting Chair (Mr. Kevin Daniel Flynn): Miss Taylor.

Miss Monique Taylor: Never at any time did we say that we didn't want to continue forward with the appointments, and that's why I said we can talk about the appointments in the subcommittee. There was nothing against them coming before us. We had called them, right? So we're happy with speaking with them.

The Acting Chair (Mr. Kevin Daniel Flynn): Any further speakers? Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Mr. Chair. I think we have to deal with the motion that's on the floor, or the amendment that's on the floor, get that out of the way, and then listen to the two presenters who have travelled here today. Then at the end of that, we can decide what our next steps are.

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you.

Mr. Jim McDonell: I think we should—

The Acting Chair (Mr. Kevin Daniel Flynn): Go ahead, Mr. McDonell.

Mr. Jim McDonell: We'll deal with the amendment and deal with the motion. We have lots of time to move ahead. It will be like last week, where we went to the end and they called the recesses and it timed out. I think we should just get this through. I think it's clear which way it's going to go.

It's interesting that they're talking now about trying to do this. During the summer, when we tried to have different committees, this government didn't want to do that, when we had the time. I think we should make the time during the year—we're here anyway—and we can get through the witnesses as well as look at Metrolinx. I think it affects over half the province, and I think it's an important thing to review.

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you. Any further speakers? Seeing none, let's let everybody sit before we have the vote.

Okay, there's an amendment on the floor. Everybody understands what the amendment is. All those in favour? Those opposed? That amendment loses.

Now we return to the main motion. Speaking to the main motion: Ms. Wong.

Ms. Soo Wong: Mr. Chair, next week is November. I respect the colleague opposite who asked for Metrolinx to be here before the committee on November 5. We've got to be respectful. This is a fairly large organization. I think it's important for us to give people reasonable time to do a good presentation for this committee so that they will be ready to answer the questions before the committee.

I just a friendly amendment: Instead of starting on November 5, as written by Mr. McDonell, that the review of Metrolinx is to commence on November 19. That way, it is respectful. It's not just one week; it's actually giving two weeks' notice and the fact that they need to come prepared. I'm sure every member in this committee will have questions for Metrolinx. Furthermore, we want them to answer the questions. So it's not because we don't

want them to come, Mr. Chair, but the fact of timeliness is really important, so they will be ready and they will be prepared to answer all the questions for this committee. That's just a friendly amendment on the date.

The Acting Chair (Mr. Kevin Daniel Flynn): There's an amendment on the floor, then, to change the date from the 5th to the 19th. Any speakers?

Mr. McDonell.

Mr. Jim McDonell: We have limited time here. When we come back, we only have three weeks.

It's interesting. Last week, we went through a bill, and we gave people less than 24 hours' notice to get witnesses here. We have a full week here. I think it's time to move on with this. If we hadn't delayed it last week, we would have been able to give them two weeks' notice. They're trying to delay it again until next week—I think it's one of these things you get on with. I think it's an important part. We hear of a lot of the issues that are happening with the transit in Toronto. I think it's time that we look into this, see if there are some issues that we can look at. We'll be into the Christmas break pretty soon right after, so I think that we should move on to this as quickly as we can.

The Acting Chair (Mr. Kevin Daniel Flynn): Any further speakers to the amendment? Ms. Hunter.

Ms. Mitzie Hunter: I just wanted to speak in support of Ms. Wong's suggestion, because it does give certainly a reasonable enough time, but I also feel that those individuals who are waiting to appear before the committee, that that will give us an opportunity to get through some of that agenda as well so that these agencies can have the people appointed and working on their behalf. So I think that that friendly amendment, as Ms. Wong has put forward, does give us an opportunity to do that.

I'm just wondering, Mr. Chair, if there is an opportunity to have a 10-minute recess to just—can we have a 10-minute recess?

The Acting Chair (Mr. Kevin Daniel Flynn): We certainly can. Are there any further speakers? There's going to be a recess called for, obviously.

Mr. McDonell.

Mr. Jim McDonell: Just one comment: A minute ago, we were hearing how important it was to get witnesses on time. I think we just put the vote on the floor and call it. I don't know if the recess—I know they're entitled to it. Could I ask that it be reduced to five? I think we just don't have a lot of time here for the two witnesses who are here.

Ms. Mitzie Hunter: Sure. Five minutes is fine.

The Acting Chair (Mr. Kevin Daniel Flynn): Okay. In the spirit of co-operation, we're going to have a five-minute recess.

The committee recessed from 0928 to 0933.

The Acting Chair (Mr. Kevin Daniel Flynn): We're back in session again. I've just got some more instructions from the Clerk here. Let's continue, then. Ms. Hunter, you asked for a—

Ms. Mitzie Hunter: I did, Mr. Chair. We have a friendly amendment, just on the date that we have asked

for. It would give the agency a little bit more time, but also, I believe as well, the seven other individuals who are also part of this committee's work, a very important part of our work—

The Acting Chair (Mr. Kevin Daniel Flynn): Before we move on, Ms. Hunter, what we should do is—we recessed before the vote. We should take the vote on the amendment and then you're free to move the friendly amendment.

Ms. Mitzie Hunter: Okay.

The Acting Chair (Mr. Kevin Daniel Flynn): There was an amendment on the floor when we last recessed. Those in favour of the amendment?

Mr. Jim McDonell: Read the amendment again.

The Acting Chair (Mr. Kevin Daniel Flynn): It was to change the date to November 15.

Mr. Randy Pettapiece: The 19th.

The Acting Chair (Mr. Kevin Daniel Flynn): The 19th. It would read then, instead, "I move that the words on"—November 19, basically, would be the date instead of the 5th, and that's what we're voting on now. Is everybody clear?

All those in favour of that amendment? Those opposed? That loses.

Ms. Hunter.

Ms. Mitzie Hunter: So I guess I would like the committee to talk about what happens next in terms of these seven individuals, four of them for OLG, the chair of ORC. These are also the committee's responsibility in the work that we are doing, and I would just like to get some perspective on that.

The Acting Chair (Mr. Kevin Daniel Flynn): Were you going to move an amendment, or was that just a question? The Clerk had actually asked me the same question. You've got a list of people that you'd intended to interview by certain dates. Did you still want to hear from them?

Miss Taylor.

Miss Monique Taylor: Chair, within the actual motion that's put on the floor by Mr. McDonell, it says specifically, "That this motion be subject to the committee choosing to undertake other business pursuant to its mandate." So, like we did with the WSIB and the LCBO, we will be able to see these other appointments, and that is something that we can speak to in subcommittee, but we need to move ahead with this portion and get on with our agenda to be able to make sure that we're dealing with the other people who are here before us today.

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you, Miss Taylor.

The motion is on the floor. We're back to the main motion now, just so everybody understands where we are. Any further speakers before I call it? Ms. Hunter?

Ms. Mitzie Hunter: I believe actually that Ms. Taylor raises a very good point, and that's why the date itself does seem to constrain the flexibility of this committee to do its work and to prioritize its business, so maybe, you know, a suggestion that I would have is to not have a date, that we can move ahead with the selection of the

agency but to not actually tie it to that specific date, which would then make this portion of the motion much more valid in terms of the committee having the flexibility to undertake its business and its mandate.

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you. Are you moving an amendment to that effect, or is that just a suggestion?

Ms. Mitzie Hunter: I'm sorry, Mr. Chair?

The Acting Chair (Mr. Kevin Daniel Flynn): I wasn't clear if you were moving an amendment to that effect or if you were just suggesting that the folks adopt it.

Ms. Mitzie Hunter: I so move that we remove the date from the main motion, and therefore it allows that opportunity for the committee itself to move forward but with priorities as it determines as a whole.

The Acting Chair (Mr. Kevin Daniel Flynn): So then it would read, if I understand this correctly, and the Clerk can correct me where I'm wrong:

"That the Standing Committee on Government Agencies meet to conduct an agency review of Metrolinx; and

"That the committee shall conduct this review during regularly scheduled meeting days"—

And what you're suggesting is that we take out the time?

Ms. Mitzie Hunter: That's correct.

The Acting Chair (Mr. Kevin Daniel Flynn): The date—I'm sorry—November 5.

Miss Monique Taylor: It's already there.

Ms. Mitzie Hunter: Yes.

The Acting Chair (Mr. Kevin Daniel Flynn): And then everything else would remain the same. Are we all clear on this?

Ms. Mitzie Hunter: Including the end, as Ms. Taylor has reminded us, pursuant to the mandate of the committee.

The Acting Chair (Mr. Kevin Daniel Flynn): Okay. Mr. McDonell.

Mr. Jim McDonell: Chair, we started off today's meeting with the urgency to move on to these witnesses. We've seen delay. Last week, we had a delay that failed to let us vote on it. We're now here over half an hour and we're still looking at it. We've already talked about the date and defeated that. This motion allows us to carry on the regular business as we see fit from a committee point of view. Changing the date doesn't really change that; it just moves the words around and is a further delay.

Unless they think they can delay the full hour and half today, I think we just move ahead with this question. We have witnesses here and we want to hear from them. We'll be backed up so we won't be able to hear those either. So I think we should just call the original question, or very quickly vote this down and move to the original question.

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you, Mr. McDonell.

Are there any further speakers? Seeing none, those in favour of the amendment? Those opposed to the amendment? That amendment also loses.

We're back to the main motion now. Are there any—last time. Miss Taylor?

Miss Monique Taylor: Can we call the question, please?

The Acting Chair (Mr. Kevin Daniel Flynn): Any further speakers? Seeing none, all those in favour of the main motion? Those opposed? That motion carries. Thank you.

0940

A few members have mentioned that we had intended to hear from some appointees by certain dates, and it looks like, with the decisions being made by the committee, those dates aren't going to be met. Do we have—

Interjection.

The Acting Chair (Mr. Kevin Daniel Flynn): Okay, the Clerk is asking if there is unanimous consent to extend the expiry date for the deadlines for the six appointments: Anne Tennier, Gail Beggs, Mary Beth Currie, Frances Lankin, Joanne Lefebvre and Elmer Buchanan. Is there unanimous consent?

Interjection.

The Acting Chair (Mr. Kevin Daniel Flynn): No. Just so the committee members are clear, by not extending them, that will mean the committee will lose its opportunity to review these appointments—just so that everybody is clear. Miss Taylor.

Miss Monique Taylor: Can we deal with this at subcommittee, Chair, please, and have a subcommittee meeting shortly? We still have time before the expiry dates on some of them.

The Acting Chair (Mr. Kevin Daniel Flynn): Okay, I'm sure that's something the committee will come to grips with eventually.

Mr. Jim McDonell: Mr. Chair?

The Acting Chair (Mr. Kevin Daniel Flynn): Mr. McDonell.

Mr. Jim McDonell: Could we have some time, maybe next week, to really define which ones we want to prioritize so we wouldn't lose them all?

The Acting Chair (Mr. Kevin Daniel Flynn): The committee can do what it wants. As of today, it said it doesn't want to—

Mr. Jim McDonell: I'm just asking the Clerk if that would fit in there—they don't all expire today, of course, because we haven't seen them.

The Acting Chair (Mr. Kevin Daniel Flynn): Do we all have the sheet in front of us of the six people who are being talked about here? Are there any specific instructions that the committee has? By November 3, at least for the first person on the list, that opportunity will have expired.

I'll tell you what: We've all talked about the people we have before us who have come down to spend some time with us. I'm just sitting in the chair for the day, and I don't want to be seen as being biased. Why don't we move on to the public appointments?

INTENDED APPOINTMENTS

MR. JAMES GARRAH

Review of intended appointment, selected by the official opposition party: James Garrah, intended appointee as member, St. Lawrence Parks Commission.

The Acting Chair (Mr. Kevin Daniel Flynn): Our first intended appointment today is James Garrah, who is nominated as member, St. Lawrence Parks Commission. James, if you would come forward. Hopefully you will understand the next half-hour better than the first half-hour.

Thank you very much for being here. You may begin with a brief statement if you wish. Members of each party then will each have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questioning. The questions will start with the government. Thank you very much for being here. The floor is all yours.

Mr. James Garrah: Thank you very much for the invitation. I've been nominated, as I heard, to be appointed to the St. Lawrence Parks Commission.

I have been involved in public service as a local town councillor. I recently served for seven years as the mayor of my community, the town of Gananoque. We're in the middle of the parks of the St. Lawrence. I think public service is an important part of one's life—serving the community.

From the notes that I sent in, you've probably seen that I retired as an elementary school principal 15 years ago, and since that time I have devoted a lot of my time to doing volunteer work. I'm currently the chair of a community family health team which serves Gananoque, Brockville and Westport. I'm also on the executive of a community support service agency which provides all kinds of services for seniors which allow those seniors to remain in their homes, to age at home, rather than go to nursing homes. We provide such things as Meals on Wheels, foot care, taking people to doctor's appointments and so on.

I think my work career and my volunteer experiences have allowed me to develop skills that make it easy for me to work with people. I'm a team player. I'm a good listener. I enjoy serving the community in which I live.

One of the things I do that I think makes it easier for me to work with groups such as this, or councils or boards that I sit on and so on, is that I'm a volunteer for the Canadian Guide Dogs for the Blind. I'm currently working with my 17th guide dog. One of the things I've learned from working with those dogs is to be very patient and to try to understand the dog's point of view. When working with the various groups that I've served, I find likewise that that's something that one has to do: listen to all sides of the argument or the discussion and try to reach a consensus that serves everybody in the best way that we possibly can.

That's all I wish to say at this point.

The Acting Chair (Mr. Kevin Daniel Flynn): Very good. Thank you very much. You didn't use your 10 minutes. That was great.

Ms. Wong.

Ms. Soo Wong: Thank you, Mr. Garrah, for waiting for this question. As a former principal, as a former mayor, how do you see those experiences helping you in your new capacity as a member of this commission?

Mr. James Garrah: Whenever you sit on a board, just like sitting and listening to this committee here today, people have different perspectives, and I think it's important that we listen to the reasons of how people have arrived at their particular viewpoint and try to arrive at a decision that, as I said earlier, serves everybody. It's not always easy, it's not always popular, but in the end, if we follow that course or subscribe to those particular ways of doing business, then I think everybody is well served.

Ms. Soo Wong: Are you familiar with the mandate of the commission and the responsibility of the commission?

Mr. James Garrah: I am. I've read the code of conduct for the members. I've read the legislation that applies to the particular commission. I have talked to people who have been involved with the St. Lawrence Parks Commission in the past.

Ms. Soo Wong: You've done your homework; that's good. Are you aware of the time commitment in your capacity as a member of the commission?

Mr. James Garrah: I am. I understand that the time commitment varies for different times of the year. I know that they have to submit a budget by January 1, so I'm sure that the fall is probably a busy time, with the CEO making presentations to the board and trying to arrive at a decision that will go forward to government to—I guess it's Minister Chan.

Ms. Mitzie Hunter: Thank you, Mr. Garrah, for taking the time to appear before us this morning. I'm wondering, as mayor of Gananoque, if you've had an opportunity to interact with the commission in any way.

Mr. James Garrah: Not very much, really. What I see from the tourism industry in Gananoque—and I might say that with Gananoque, because of our manufacturing industry having left the town and the tourism business taking more prominence, one of the things I've found was that many people in the tourism business seem to see that everybody else who is in the tourism business is competition rather than people in the business trying to create that critical mass of attractions to our area, which everybody can benefit from. So I really spent a lot of time working with our local tourism operators, tours and businesses. We have boat lines, the Thousand Islands Playhouse, people who rent kayaks, and lots of restaurants. We also have a casino.

As a matter of fact, in talking just lately to one of the people who is involved in giving information to tourists, I said, "What sorts of things do you tell them about our area when you're talking about tourist activities? What about Fort Henry?" They said, "Oh, no, we don't talk about Fort Henry because it's not in our area and we

don't want to draw people away from Gananoque." So our economic development committee and so on that I was working with—we tried to at least convince people in our area that we're all working together and that we should try to find as many partnerships as we possibly could.

0950

I have to say, I don't think at this point I was particularly successful, but I think the province has initiated the regional tourism sectors that were in region 9, and I think that's one thing that pulls people together.

But the short answer to the question: No, I didn't have much to do with the St. Lawrence Parks Commission.

The Acting Chair (Mr. Kevin Daniel Flynn): Any further questions? No? Thank you.

Let's move to the official opposition. Mr. McDonell.

Mr. Jim McDonell: Thank you for coming today. I see you're a mayor or were a mayor from eastern Ontario, so I know you're very familiar with the St. Lawrence Parks Commission.

One of the concerns I've had in dealing with some of our neighbours when I was mayor of South Glengarry—some of the conflicts we seemed to have with the St. Lawrence Parks Commission. I think there were things that sometimes were not good for anybody, and I'd suggest that some of the parks—where they closed them, municipalities had opened them up, and then they took them over again.

I just wanted to know your thoughts on working with the municipalities and making decisions on where you're going, and then once you've made that, allowing the communities to use some of the facilities that are there that would be otherwise closed.

Mr. James Garrah: I think it's fairly clear in the mandate of the St. Lawrence Parks Commission that there is an expectation that there be a lot of time spent working with a community, working in partnership with a community, to try to, I guess, augment and supplement, rather than detract or distract from, what's happening in the communities around them. I think it's really critical, and I would be quite happy, when and if I'm appointed, to certainly take that concern to the commission.

I think it's probably a regular and ongoing issue with many municipalities that the St. Lawrence Parks Commission or the parks of the St. Lawrence—it's a very large operation, and it certainly could, I guess, in some cases, overwhelm some of the smaller activities or smaller operations that are happening. I think input to all the things that happen at the parks, as well as things that are happening in the community—the commission should know of it and try to make sure we don't do things that are detrimental to your community and the community that I live in and all the ones along that 200-kilometre corridor.

Mr. Jim McDonell: Well, thanks for that. I guess what I was talking about in South Stormont—where they took over a park, were running it and then it was retaken over by the St. Lawrence Parks Commission. They all seemed to have some trouble with budgeting. They were

going back to the township to ask for money to support some of the operations. I mean, it's things like that that I think leave a bad taste.

Anyway, I'm sure, coming from a municipal point of view, you'll be able to bring those issues back to the commission, so I look forward to that.

Mr. James Garrah: Is it possible that someone representing your community does go to the St. Lawrence Parks Commission and speaks to these very issues?

Mr. Jim McDonell: Well—

Mr. James Garrah: They do?

Mr. Jim McDonell: Certainly, that conversation happened long and hard—

Mr. James Garrah: Okay. Good. Thank you.

The Acting Chair (Mr. Kevin Daniel Flynn): Any other speakers? Mr. Pettapiece?

Mr. Randy Pettapiece: Thank you, Chair, and thank you for coming out today. I'm going to take a little different angle on this thing. You said that you have helped train guide dogs. Is that correct? Seventeen of them?

Mr. James Garrah: That's correct. We do the first stages. We have the dogs till they're about a year and a half, and we do basic obedience. We socialize them. We teach them basic walking skills. As I said, I've done 17 of them to this point.

Mr. Randy Pettapiece: Okay. And what agency is that through?

Mr. James Garrah: Canadian Guide Dogs for the Blind.

Mr. Randy Pettapiece: I'm familiar with the Lions dog guide system. They have a school in Oakville.

Mr. James Garrah: Yes.

Mr. Randy Pettapiece: I guess where I'm going with this—sometimes it can be a difficult balancing act between government and private enterprise, especially in tourism where things may not be going well so maybe the government steps in and builds a new dock or something and then private enterprise sometimes gets a little bit miffed about that because they think they're taking business away from them and this type of thing.

I guess your patience with dog guides, and the way you're able to decide between discipline and obedience, or how you do these things, may help you in this position. I wonder if you could comment on that.

Mr. James Garrah: I think it does, in the sense that you're always trying to figure out why the other end of the leash is doing what it's doing. The other thing is, you have to make sure that the dog end of the leash isn't smarter than the person end of the leash.

I think that whenever there are grants involved, whenever there's the appearance of subsidies and those kinds of things—I mean, I've heard over the years that people feel, when that happens, that it creates a disadvantage for those that don't receive those particular grants.

If the government, say, builds a dock, and somebody is running a private marina and somebody doesn't come in and build their dock, and we're both in competition with each other, one could argue that you've created an

uneven playing field. I think we always have to be aware of that.

I'm not sure how that applies to the dog, but I guess that in working with the dogs, if I'm trying to do something with a dog and somebody's over there with a treat, in competition with me, those with the greatest treats probably win.

Mr. Randy Pettapiece: Yes, and—

Mr. James Garrah: I don't know whether I've gone down a path here I shouldn't have started.

Mr. Randy Pettapiece: No, I think you're correct. If this carrot is hanging out there, sometimes it tempts people or dogs to do something that they're not supposed to be doing—or shouldn't be doing; let's put it that way. I think your experience with dog guides—I've seen these dog guides in operation; it's quite incredible what they do. Thank you for your service to that industry.

Mr. James Garrah: My pleasure. Very rewarding.

The Acting Chair (Mr. Kevin Daniel Flynn): Mr. McDonell?

Mr. Jim McDonell: Thank you. Yes, just one more question, specific to our area, but I know it has also happened in the park commissions in Niagara.

In our area, the parks own the Upper Canada Golf Course. I know that there's a lot of upgrading that has been done over the years, and some of the private golf courses are having some issue with that, from the point of view that they don't have access to this money. I think a few hundred thousand was spent recently.

Their complaint is that it's also one of the lowest-priced in the area, to the point that it's making it very hard for the private golf courses to compete, because, of course, they're trying to charge the same amount and they don't have access to this huge capital that's being spent on the Upper Canada.

Just that you'd be aware that you're really competing with the private sector, which is spending its own money, by spiralling down to a price that's lower than the provincial average—it's very hard for people to compete, and you're maybe driving a lot of these private companies out of business. Any comment on that?

Mr. James Garrah: Well, I do. I think there is a feeling—again, I come back to what I said in my opening remarks about somebody who is in the same business as being competition. There are many groups that believe that if you have one golf course, you can attract a few people; if you have 10 golf courses, you can perhaps attract a whole bunch of people. You now have a destination. You now have an opportunity for people to come and stay in your area for a longer period of time. Maybe if there was only one, they wouldn't be competing with anybody else but maybe they wouldn't be doing as much business, either.

I don't know how you work that out, but I do know that in our area, where we'll say there are beaches, people like to come and spend a bit of time here and a bit of time there and so on. They don't just come to one spot and stay there. I think it's the same within our community. People come and they stay overnight; they stay at the

Playhouse and so on; they go and gamble for a while down at the casino; they take a boat tour.

I know, from my own experience and from many people I play golf with, that they're not always in competition. I don't know how you would analyze it, but maybe the person or the golf course or the marina who feels that they're being treated unfairly, because the government is subsidizing one operation, may in some cases be getting a great deal of benefit from that subsidization of that person or that group they see as competition.

I think this always has to be looked at. I think we always have to look at the playing field, and that we not skew it in such a way that private enterprise suffer because a government agency or somebody is heavily subsidizing somebody else. I think you have to be very aware of that in the decisions that you make.

1000

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you, Mr. Garrah. Time's up, unfortunately, Jim.

Third party? Miss Taylor.

Miss Monique Taylor: Good morning, and thank you for being here with us today. Those were some interesting points of view that the Conservatives brought forward this morning. I think possibly with your role as being mayor and dealing with small businesses and smaller organizations than publicly funded should definitely bring some different perspectives to the table for you. Would you agree with that?

Mr. James Garrah: I would. One of the things we did as a community was we developed some community improvement plans, and part of the community improvement plans was to actually subsidize small businesses for facade improvements and those kinds of things. It meant somebody had to invest a bit of money and come forward to get that grant. And perhaps others who decided for, one reason or another, not to take advantage of the grant, said, "You know, that's not fair. You're helping them build a new facade," and so on. But our feeling was that whenever we improved a significant number of facades, even those ones who didn't improve their facades would benefit. Even though they didn't get some money to help with their facade, they would benefit.

In Gananoque, we have a fairly large marina that serves the Thousand Islands National Park now. I guess to some extent it might be subsidized. I don't know that marina. But it brings a tremendous number of people to our area.

The playhouse is subsidized through grants and so on. But it brings a tremendous number of people to John Keilty at the Gananoque Inn, to the boat line and probably to the casino, which siphons off some money for government services elsewhere.

So I think it's this symbiotic relationship that we look at of people benefiting from other people, and sometimes you need incentive grants to make it work better. That's my feeling.

Miss Monique Taylor: Have you ever had maybe, possibly, in your mayoral position the opportunity to

work with the feds, because I believe Fort Henry receives a portion of federal grants, so have you—

Mr. James Garrah: Well, I'm with an organization I mentioned, Community and Primary Health Care, which is stationed in Brockville. We just received a \$3-million grant from the federal government and we received a \$3-million grant from the provincial government to do what we call a centre of excellence. So I'm aware of working with various branches of government and sometimes the difficulty of getting grants. As mayor, we got all kinds of grants for infrastructure, which was great for the people who build pipelines and that sort of stuff.

Again, I keep coming back to that governments are there to provide services. I know from sitting just for a few minutes here that we don't all view the world the same way. I just think it's important sometimes, to achieve certain goals, that you need to work with other branches of government to get money, to spread the costs over a larger base, because that's one of the things that governments do: They circulate money through taxation and so on. I think—I'd like to think, anyway—that all the work the government does is to make our world a better place.

Miss Monique Taylor: Thank you. One last question: If you're appointed to this board, do you have one different thing in mind particularly that you would like to bring to the board that you're seeing is not already happening?

Mr. James Garrah: I don't think so much different. I think the points that have been raised here about working in partnership with all the people who are in our area—there are several municipalities in an area that goes from Kingston to almost the Quebec border. I think the St. Lawrence Parks will be much better when there's a relationship so that people stand back and say, "It's great to have the St. Lawrence Parks Commission in our area. We're all benefiting from it."

I hear what you're saying. I think this is a big deal of making sure we're not in competition—unfair competition—with the private sectors, and that we do all we can to bring more and more people to the area, which will benefit everybody in all of those municipalities. I'm convinced that not only—I think the commission is doing it. Nobody knows that I've applied for this other than you people, as far as I know, and yet people have been talking to me in the last week about something at Upper Canada Village which is called Pumpkinferno. They're attracting thousands of people to this thing. They had 5,000 people there in one night. Anybody who has a business in the area, whether you sell Tim Hortons coffee or whatever, is probably going to benefit from that sort of thing.

I think they're doing some things that haven't been done before. There's a new patio at Fort Henry. They've got Alight at Night and so on. Fort Fright is at Fort Henry. When people come together at those places, all the businesses and whatnot in the area benefit. So I'm hoping we can make our presence known. Corporately, a lot of people probably don't know what the St. Lawrence Parks Commission is, and I think that's one of the things

we need to exploit. The current CEO—it looks as though he's really working hard to make that happen.

Miss Monique Taylor: Thank you. Go ahead.

Mr. James Garrah: I ramble on.

The Acting Chair (Mr. Kevin Daniel Flynn): You've got about three minutes, Mr. Hatfield—about three minutes.

Mr. Percy Hatfield: Three, okay. Thank you for being here. Thank you for doing the dogs. A friend of mine does that in Windsor.

I haven't been to your community in a long time. I hitchhiked from Newfoundland up there in 1967 to visit a friend. I wouldn't suggest hitchhiking these days. I just realized, looking around the room, that most people weren't born in 1967. A beautiful part of the province, really.

As mayor and councillor, have you ever been publicly critical about the commission?

Mr. James Garrah: No, I have not.

Mr. Percy Hatfield: Do you have an opinion on how it can better serve all of its member municipalities along the stretch?

Mr. James Garrah: I'd like to think that I had a lot of great ideas to do it, but I think the ideas in many cases rest with those people who live in those communities. I think those people know the community far better than I do. I know Gananoque quite well; I know Leeds and the Thousand Islands quite well. I sat on county council for a while and so I got to know a number of mayors, but I certainly don't know their communities very well—other than, we're part of the united counties of Leeds and Grenville, and I wouldn't say the word "united" always applied when they get together. In many cases, I think they were a rather disparate group. One of our roles can be to work with them and find out more about them so we can serve them better. You need to know your constituents, as you know only too well.

Mr. Percy Hatfield: Yes. Do you have a priority for Gananoque to get more out of the system?

Mr. James Garrah: One of the things I would suggest that an organization as large as this do—a lot of small businesses don't have the ability to do such things—is training staff. I would think, when the organization is doing things that promote customer service and all those kinds of things, as a small community with many small businesses, we could benefit from things like that.

Also, from the marketing point of view, I'm going to guess that the St. Lawrence Parks Commission spends a fair bit of money marketing. If there's any way that you can tag onto that, if there's any way you can get your name on the list, if there's any way you can add the amenities that you have in your town to what somebody else is marketing, it can't do anything but benefit everybody.

This critical mass of activities is really important. You cannot stand alone. You need to be part of a much larger group if you're going to do well.

Mr. Percy Hatfield: A very impressive presentation. You were probably a very good mayor and councillor.

I have one burning question: Can you teach an old dog new tricks?

The Acting Chair (Mr. Kevin Daniel Flynn): Okay. On that note—you don't have to answer that.

Thank you very much for coming, Mr. Garrah. We'll deal with the concurrence at the end of the meeting. You're welcome to stay. It should only take a short while—15, 20 minutes.

Mr. James Garrah: You're saying that a decision will be made today?

The Acting Chair (Mr. Kevin Daniel Flynn): By the committee. That's the intent, still, depending on how the next delegation goes.

Mr. James Garrah: I have to catch a train at some time. What sort of timeline is it?

The Acting Chair (Mr. Kevin Daniel Flynn): About 10:25. You don't have to stay. It's entirely up to you.

Mr. James Garrah: No. I will be informed by mail or email or whatever?

The Acting Chair (Mr. Kevin Daniel Flynn): Yes.

Mr. James Garrah: Thank you very much for your time, and I do apologize for getting focused too much on one person at a time. Thanks.

The Acting Chair (Mr. Kevin Daniel Flynn): No problem.

MS. SUZANNE CLAPP

Review of intended appointment, selected by the official opposition party: Suzanne Clapp, intended appointee as member, Consent and Capacity Board.

The Acting Chair (Mr. Kevin Daniel Flynn): Our next intended appointee today is Suzanne Clapp, nominated as a member of the Consent and Capacity Board. Please come forward, Suzanne. Make yourself comfortable. We're dealing with a little bit of a time constraint, at the pleasure of the committee. You can begin with a brief statement, if you wish. Members of each party will then have up to 10 minutes to ask you any questions. Any time you use for your statement will be deducted from the government's time for questions. This time around, the questioning will start with the official opposition.

1010

That clock is a little fast. If we are going to get this in time—if that's the wish of the committee—we may all have to be a little brief.

Suzanne, the floor is yours.

Ms. Suzanne Clapp: I'll try to be brief, as well. I have prepared a statement, which I'll keep brief.

Good morning. My name is Suzanne Clapp. I'm seeking a part-time appointment as a lawyer member to the Consent and Capacity Board.

By way of background, I developed my interest in medical-legal issues through my education. I did a bachelor of life science and physical and health education at Queen's University, and then I moved on and did my law degree at the University of Toronto. I was able to

combine those interests through articling and practising litigation law with McCarthy Tétrault, where I was routinely involved in medical malpractice actions. I also did general litigation there and appeared before many courts and various tribunals, including this particular board, as well as the Health Professions Appeal and Review Board.

I then moved on to the litigation section at the city of Toronto legal division, where I was exposed to a broad range of subject matter and issues within the legal field, and some of those involved inquest proceedings and litigation involving the Toronto Police Service, both of which had some medical-legal components to them.

For the past seven years, I've been at home with my two young children, and I'm looking now to get back into the workforce. I am looking for a role where I can combine my medical-legal interests with service to the community and work on a part-time basis.

I met with some people who work with the Consent and Capacity Board to speak about what the board does. I attended some hearings as an observer to see what it is in real life, and after doing that, I came to the conclusion that I felt I could make a good contribution to this board and the community, and that it would be a good fit for me personally.

In terms of my qualifications, this board is an adjudicative one, and the role of the board is to hold hearings, so my skills as an adjudicator would come into play. The lawyer member in particular on this panel sits with a psychiatrist and a public member, but the role of the lawyer is to preside over the hearing and then to write the actual reasons for the decision, if they are requested.

So in terms of adjudication experience, in my years of practice in both the public and private sector, I was exposed to a lot of different types of hearings before different levels of courts and administrative tribunals. I understand what it means to have a fair, impartial, inclusive and professional hearing and what that looks like in practice.

I have strong listening and communications skills and feel that I would be able to effectively preside over these types of hearings with the appropriate amount of neutrality, empathy and respect. I also have experience in legal research and writing, and in that regard, I feel that I could write clear, concise and meaningful decisions within strict time frames, which are set out in the legislation for this particular board.

I have a keen interest, experience and knowledge in the subject matter of this board and knowledge of the applicable legislation, and I'm excited and motivated to take on a new challenge.

Thank you for having me, and I'd welcome any questions that you have.

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you, and thank you for being brief.

Mr. McDonell.

Mr. Jim McDonell: I think everybody is aware of somebody in the community or family or friend's family who has some issues with mental health. I know there are

lots of agencies that deal with this type of service, but it still seems we see people coming through our office all the time who have fallen through the cracks.

Do you see, from your experience, a lot of people who should not have gotten to this review board, who should have been looked after before this stage?

Ms. Suzanne Clapp: I'm not on the board, obviously, now, so I have not seen, other than the hearings that I have observed and the few that I was involved with some time ago, to know whether that is in fact the case.

I think that the purpose of this board is for people to be able to challenge decisions and opinions of doctors, in particular, so I think it is a good thing to have before you get to, say, the court system. Whether or not they should never have gotten there in the first place, I can't really answer. I know that there are rights advisers in hospitals and other resources for patients to try and resolve things, but I'm really only aware of the role of the board.

Mr. Jim McDonell: Thank you. I guess that's it for us.

The Acting Chair (Mr. Kevin Daniel Flynn): Okay. Third party? Percy or Monique?

Mr. Percy Hatfield: Welcome. Very impressive resumé. I was interested in when you were working for the city. You had to work for the city during the death of the emotionally disturbed man in police custody.

Ms. Suzanne Clapp: Yes.

Mr. Percy Hatfield: How was that as an experience for you?

Ms. Suzanne Clapp: It was a great experience on a number of levels. It was an inquest proceeding, which is, again, a different type of hearing than maybe a court hearing or a different administrative tribunal hearing. That was interesting in itself, because an inquest is not to find fault, but to try to make recommendations about something that has happened that we want to make better.

In that particular case, we were really looking at what the Toronto Police Service could do better to help emotionally disturbed or mentally ill people before it escalates to a situation of someone dying, someone being shot or something like that. It, in particular, was a good experience in hearing all sides of this type of an issue, in having various stakeholders come to the table and address their positions and recommendations. It enabled me to really have a broad understanding of the issues and the stakeholders involved in those sorts of matters.

Mr. Percy Hatfield: And you've been involved with Dying with Dignity, as well.

Ms. Suzanne Clapp: That was many years ago. That was part of my law school education. I had an interest in medical-legal matters, so I did a course where I was able to work with that particular organization. In my role at that point in time, there was a committee going on discussing it—the Senate committee—so my job was to basically take all of that information and condense it into a readable form for that committee.

Mr. Percy Hatfield: I wish we had more time today. I'd like to explore that further, but it's off topic. Thank you for coming in.

Miss Monique Taylor: Thank you so much for your patience today, as well as being here before us. So you were on this inquest for the death of this emotionally disturbed man, and, obviously, that inquest would have brought forward recommendations to the police board. Do you remember, just off the top of your head, what they could have been, possibly?

We've seen this stuff happening just recently in my own city. In my own riding, it happened in the summer. It happened with a young person. This is very good information that should have been used at that time when you did that, right?

Do you see being in this position—maybe I'll just, because of the lack of time—in this position, do you see recommendations such as your previous experience being able to make a difference?

Ms. Suzanne Clapp: So I'll start with the inquest. It was some time ago, so I'm challenging my memory a little bit, but I definitely remember that many of the recommendations related to the training of police officers in these types of circumstances, and that more training was needed in order to try to understand what emotionally disturbed people are going through and how to de-escalate a situation. I'm also aware—recently, in the news—that these things continue. They're obviously extremely complex, difficult issues to deal with, so that's my memory of those recommendations.

The role of the Consent and Capacity Board is an adjudicative role. If we're trying to tie it to the police inquest situation, I don't really see a connection—

Miss Monique Taylor: But, I mean—sorry; just because we don't have a lot of time—

Ms. Suzanne Clapp: Yes, go ahead.

Miss Monique Taylor: —so I'll move you in the direction.

Ms. Suzanne Clapp: No, please.

Miss Monique Taylor: Okay. We have a crisis in our mental health system. We see that people are falling through the cracks on a regular basis. In your capacity, you will be able to help make life decisions for people. How do you feel, to have that consideration as a member? Do you know what I mean? What are you going to bring to the table for that?

Ms. Suzanne Clapp: They're very important and fundamental rights of individuals—liberty, autonomy—so it's an extremely important role. This board has an extremely important mandate, and I bring to the table in terms of an adjudicative role what I've outlined before: impartiality, bringing an open mind to the table, using my skills as a lawyer to take the particular test from the legislation and apply the facts to that test in the legislation. That is our role on this board, to do that—recognizing, obviously, the context within which we operate in the health care context, that it is extremely emotional and gut-wrenching, but really the role is to apply the law and the test to these situations.

Miss Monique Taylor: Great. Well, good luck in your position, because we need some. Thank you.

Ms. Suzanne Clapp: Thank you.

The Acting Chair (Mr. Kevin Daniel Flynn): Let's move to the government side. Are there any brief questions? Mitzie.

Ms. Mitzie Hunter: Mr. Chair, we just want to take this as an opportunity to thank Ms. Clapp for putting herself forward. You certainly have an impressive background and will serve the position very well. Thank you.

Ms. Suzanne Clapp: Thank you.

The Acting Chair (Mr. Kevin Daniel Flynn): Thank you, Suzanne, for coming today. We're going to deal with the concurrence right now, so unless you've got a train to catch, you might want to watch this.

We will now consider the concurrence for James Garrah, nominated as member, St. Lawrence Parks Commission. Is someone prepared to move the concurrence?

Ms. Mitzie Hunter: Mr. Chair, I move concurrence in the intended appointment of James Garrah, nominated as member, St. Lawrence Parks Commission.

The Acting Chair (Mr. Kevin Daniel Flynn): Very good. Is there any discussion? No speakers? All those in favour? Those opposed? That motion is carried.

We will now consider the motion for Suzanne Clapp, nominated as member, Consent and Capacity Board. Is there a mover for this concurrence? Ms. Hunter.

Ms. Mitzie Hunter: Mr. Chair, I move concurrence in the intended appointment of Suzanne Clapp, nominated as member, Consent and Capacity Board.

The Acting Chair (Mr. Kevin Daniel Flynn): The motion has been moved. Any speakers? Seeing none, all those in favour? All those opposed? That motion is carried.

Congratulations.

Thank you, everyone. The meeting is now adjourned.

Interjection.

The Acting Chair (Mr. Kevin Daniel Flynn): The next meeting is as per the motion. Whatever you passed today will happen.

The committee adjourned at 1022.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 5 November 2013

Journal des débats (Hansard)

Mardi 5 novembre 2013

Standing Committee on Government Agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues



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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 5 November 2013

Mardi 5 novembre 2013

The committee met at 0904 in committee room 1.

SUBCOMMITTEE REPORT

The Vice-Chair (Mr. Rick Bartolucci): Good morning, everyone. Thanks very much for showing up on time. Sorry we're starting a few minutes late. First order of business, though, if I can get the concurrence of everyone, is to deal with the report of the subcommittee on committee-related business—Metrolinx, in other words—and move that to the end of the meeting, because that might engender some conversation and we don't want to keep our intended appointees waiting while we have that discussion.

We'll deal with the second report of the subcommittee on committee business, dated October 31. Do I have concurrence of everyone? Okay.

Some of you are looking like we're trying to pull a fast one. No.

Miss Monique Taylor: Well, Chair—

The Vice-Chair (Mr. Rick Bartolucci): This is simply to make sure that our intended appointees aren't waiting around needlessly. All right, thanks very much everyone.

We're going to go into our appointments review. No, we already did the second report. Oh, sorry, Jim?

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointments dated October 31, 2013.

The Vice-Chair (Mr. Rick Bartolucci): Great. All in favour? Opposed? Terrific. Thanks very much.

INTENDED APPOINTMENTS

HON. FRANCES LANKIN

Review of intended appointment, selected by official opposition and third party: Frances Lankin, intended appointee as member, Ontario Lottery and Gaming Corp.

The Vice-Chair (Mr. Rick Bartolucci): Now, we're going to move to our intended appointments, and we're going to ask Frances Lankin to come forward.

Good morning, Frances.

Hon. Frances Lankin: Good morning.

The Vice-Chair (Mr. Rick Bartolucci): It's great to see you again. You have the opportunity to make an opening statement. That opening statement will come off the government's time. You are familiar with the process. Welcome and go ahead.

Hon. Frances Lankin: Thank you, and it's interesting to be back figuratively and literally on this side of the table. I used to chair this committee at one time in history, so this is kind of fun.

I think that one of the prime areas of interest that the committee members will have is with respect to my qualifications and experience that might make me appropriate or not appropriate in your views for this appointment. I want to speak to three things: my background in terms of board governance; public policy issues, particularly in the area of gaming; and then my political affiliation and political past, which is certainly on the record, but I'll speak to it today.

In terms of board governance, I've had extensive experience, as you'll see from my resumé, on not-for-profit boards, both as a board director and as a CEO at United Way for 11 years, and supporting a major not-for-profit board.

I recently finished my term as chair of the Telus community board. I currently chair the Ontario Press Council, so I've had leadership roles in governance. I've had extensive experience on audit committees and risk management committees, and I believe that, with respect to the crown corporation we're talking about, that's a key area of experience that will serve me well in this appointment, if it should go through.

I've been recruited to be on the board of the Institute of Corporate Directors. I'm a graduate of the Rotman-ICD directors education program. I've been asked by Rotman and ICD to be, first of all, an executive-in-residence and then a director-in-residence in their not-for-profit board governance course, and have just recently been asked to be a director-in-residence at their newly developed crown corporation.

Crown corporations, I think, is the second area of board governance that I'll just speak to. I think that for many people from the private sector, the area of crowns is a little bit bewildering because there is a double bottom line. There is a responsibility to a sole shareholder, that being the government and/or the public of Ontario by extension, as well as, I think, consistent with the Supreme Court decision on BCE, a real focus also on stakeholder opinions and impacts on stakeholders. So there's always that balancing act in the considerations that are brought to bear, but there's a very firm consideration still on the bottom line fiduciary governance responsibilities of the board. I think that my background in politics helps me understand that balancing that has to

come, and I bring that sensitivity to the public policy framework within which a crown corporation works.

I've also had some experience on a crown corporation. I've spent the last year as a member of the Metrolinx board during a period of time of interesting public policy, debate, development and directions, as we move forward with a tremendous program of enhancement of public transportation and public transit in the GTA.

With respect to the area of gaming and public policy issues around that, in my time as a member of the cabinet in the government of Ontario, I was at one point in time Minister of Economic Development and Trade, when we developed the first casino and brought it to Windsor and worked with that local community—Mr. Hatfield will well remember; I did many interviews with him in those old days around that—with a real focus on economic development.

It was a period of time in which some of the early policies around community consent, local consent, were developed and driven. That was a community that was suffering greatly in terms of the economics and the downtown being boarded up, and the kinds of hopes and aspirations the community had in supporting this casino coming to their area to drive tourism and cross-border tourism—that was the mode of gaming in that day. Things have changed a lot and those issues of tourist destinations and cross-border are not the only thing to be considered. In fact, they're of lesser importance than some of the other more local, home-driven considerations.

I also was for a period of time the Minister of Health and Long-Term Care and was responsible for bringing in one of the first addictions strategies in the province of Ontario. That addictions programming and support still reside within the Ministry of Health and Long-Term Care. So I have a history there in focusing on issues around social responsibility and responsible gaming and addictions, as well as understanding multiple addictions and the public policy framework, and the unique balance and tension that exists between the regulation of an activity that takes place in our society in any event, driving a bottom-line, non-tax revenue to the government's fiscal portfolio for investment across a number of areas, as well as the harm that comes from addictions that can develop in gaming and in other substance abuse and cross-addictions, which is often the situation that we're dealing with.

0910

That's particularly important today as we see, I think, an expansion of access to gaming through the Internet, and what the public policy framework around that is and around responsible gaming is an important consideration.

There's also, I think, a very strong corporate social responsibility portfolio that a crown corporation like OLG needs to have. I have extensive experience, in 11 years as the CEO of the United Way in greater Toronto, which during that period of time grew to be the largest United Way in North America, of working with corporations around their CSR portfolio and around investments

in community through United Way and through the Trillium Foundation and others.

Lastly, since I know it's a question that's often asked, let me say I have a long-standing political affiliation with the New Democratic Party. I have also been three times appointed to order-in-council appointments, by the Peterson Liberals, the McGuinty Liberals and the Wynne Liberals; and I have had two federal appointments through Prime Minister Harper's government, one as chair of a blue-ribbon panel to review \$23 billion in public administration of grants and contributions and, secondly, as a member of the Privy Council joining the Security Intelligence Review Committee, which has the responsibility to review CSIS activities. That's an appointment that I still hold today, although that appointment will come to an end in February and I've indicated that I don't wish to be reappointed at this point in time.

I'll turn it over now, Mr. Chair.

The Vice-Chair (Mr. Rick Bartolucci): Thank you very much, Frances. We're going to start our questioning with the third party. As you're very familiar, they have 10 minutes to ask you questions.

Miss Monique Taylor: Thank you. Good morning.

Hon. Frances Lankin: Good morning.

Miss Monique Taylor: It's nice to see you. Thank you for coming before us. Wow, what a resumé.

Hon. Frances Lankin: It just means I'm old.

Miss Monique Taylor: Currently—I'm just trying to get it clear—how many boards are you sitting on?

Hon. Frances Lankin: Well, I have just left the Metrolinx board in hopes that this appointment will go through. I applied for this appointment, by the way. It was on my own initiative that I had an interest in this. I sit on the board of the Ontario Hospital Association, the Literary Review of Canada, and I chair the Ontario Press Council. Some of those are volunteer positions. And I indicated the Security Intelligence Review Committee; I have one meeting of that left.

Miss Monique Taylor: And you will have time to do this one, too?

Hon. Frances Lankin: Yes; I'm retired, sort of.

Miss Monique Taylor: Yes, right.

Hon. Frances Lankin: I was just saying to MPP Wong that a friend of mine said that I haven't retired; I've just diversified.

Miss Monique Taylor: And what made you want to sit on this board?

Hon. Frances Lankin: I followed with interest the issues around two streams: the siting of casinos, believing very strongly in community self-determination around these issues and supporting community choice. I would say that while there was a stated commitment to that, I felt, as someone who still has a strong tie to Toronto even though I live in northern Ontario and have done so for the last 12 years, that there was a lot of pressure on meeting the fiscal bottom line around the siting of that casino. So when Mr. Godfrey's appointment came to an end and the entire board resigned, I thought this was interesting because I think there needs to be, as I

said earlier, that balance between political considerations and public policy considerations along with the fiduciary responsibility.

Secondly, I have a very strong commitment to the kind of support that communities receive from gaming revenues—the non-tax revenues to government—how they're reinvested in communities, along with the portfolio of responsible gaming. Let me just tell you in the last little bit, as I've received more briefings from OLG, I'm actually surprisingly impressed with the progress that has been made since my day, which was a long time ago, on the responsible gaming portfolio. I still believe that there's more that we will continue to do and enhance that; that's an important tension. So I thought I've got something to offer. I've got board governance experience, a background policy-wise and community-investment-wise with respect to this, and a social responsibility, I guess, history of offerings, to bring to the table for discussion. So I thought that this looks like a good, interesting fit for me.

Miss Monique Taylor: There have been a lot of changes happening with the OLG. You almost see a transformation of privatization. What are your thoughts on that?

Hon. Frances Lankin: I guess, over the years, I've mellowed. I think that the issue of figuring out where something is best delivered makes a lot of sense. Wholesale privatization of government services I oppose, but is dealing cards or serving beverages a government service or is that something that can be done within the private sector? The design and refreshing of what lottery tickets look like: Is that a government expertise only, or can it be influenced by the private sector?

When it comes to the conduct, the control and the things that the Criminal Code sets out that are absolute necessities for the government to keep their hands on when it comes to ensuring that there is a double-bottom-line view of both the importance of non-tax revenue generation and social programs, those things should remain within government. So I think that there's room for some movement, and that that could actually enhance the fiduciary bottom line of the organization. But I would probably be cautious to see what the mix of those programs and things are.

I was just speaking with Mr. Olsson, the chair-designate. I haven't had a chance to look at the actual RFPs and those sorts of things yet, and I hope to have that opportunity very soon and to bring the balance that I think needs to be struck, to bring that eye and perspective to reviewing those.

Miss Monique Taylor: Good. Thanks.

The Vice-Chair (Mr. Rick Bartolucci): Thank you, Miss Taylor. Percy?

Mr. Percy Hatfield: Welcome. Nice to see you again.

Hon. Frances Lankin: You too.

Mr. Percy Hatfield: When it comes to Caesars in Windsor, there has been quite a controversy for years—single-game sports betting, or whatever it is, if you want to place a bet, say, on the Super Bowl. Legislation was

introduced. It has been passed in the House but hung up in the Senate for some reason. Do you have any feelings on support for that particular type of legislation?

Hon. Frances Lankin: I don't have strong feelings. I haven't followed the federal development of that, other than what I've read in the newspapers; but I've not been engaged.

I think that what it's indicative of, though, is that gaming has changed. As I mentioned, when the Windsor casino was first developed, it was about stemming the flow of cross-border shopping to the US; it was about local economic development drawing on across-border tourism. Those things have changed. Even if you look at Las Vegas—and this is a conversation I had with some folks at OLG yesterday, so these are not unique ideas I'm putting forward, but part of a conversation. Las Vegas focuses as much on the entertainment, the dining and other sorts of things as the gaming itself. It is a tourist destination, but most of the casinos in Ontario and in other provincial jurisdictions are no longer tourist destinations. They are about entertainment opportunities for local communities, local citizens.

I think there has been a change in the public attitude about gaming. It's not fully embraced—we're still quite cautious as a public about it—but a younger generation that sees sports gaming and other sorts of things as an attractive form of entertainment: That's why it's an issue of debate.

I don't know why it has been hung up in the Senate other than the Senate's own problems, so there may be things that I need to learn about the debate on that particular issue that I'm not aware of.

Mr. Percy Hatfield: Would you have an open mind to considering, say, teletheatre or sports betting at, say, Caesars in Windsor?

Hon. Frances Lankin: That whole issue—like I said, there are probably policy issues that I'm not aware of, so I don't want to venture too far down there. I think making an entertaining experience that's going to attract people that also has a payoff to the bottom line, where you have the ability to put in controls to recognize red flags for problem gambling, is a good thing. I don't know whether that fits that definition or not; I just don't know.

Mr. Percy Hatfield: Yes, and I think there might be an opportunity to discuss at some point Leamington Raceway and the harness racing industry out that way, and perhaps a collaboration with Caesars on a teletheatre, sports-betting, off-track betting type of arrangement.

0920

Hon. Frances Lankin: Well, I understand that the chair-designate of the Ontario Racing Commission is coming up next. He may be behind me. I haven't seen Elmer come in, but it's probably a great discussion to have with him—

Ms. Soo Wong: He's in the House.

Hon. Frances Lankin: He's in the House, is he? Elvis is in the house? Elmer is in the House.

There's much evidence that needs to be brought to bear about whether one kind of gaming experience draws

companion gamers for other kinds of gaming experiences or whether there's crossover.

I'm very, very much a person who believes in strong, evidence-based public policy-making. Without evidence, I think we shouldn't jump to conclusions around what would spur economic development or what would support the reinvention of the horse racing industry. I think the fact that there is a plan to work together with OLG and ORC is really good. That's a positive step forward. We're awaiting, of course, the government's final decision and mandate letters to the OLG on that. So until the public policy directive comes, I can't speak much more to it.

The Vice-Chair (Mr. Rick Bartolucci): We'll move to the government side. Soo Wong, you have three minutes.

Ms. Soo Wong: Frances, welcome back.

Hon. Frances Lankin: Thank you.

Ms. Soo Wong: Thank you for your continuous commitment to public service.

I want to go back to your comment about the issue of addictions. Given your comprehensive and, as well, your awareness of your community—the government, as you know, is in the process of modernizing casinos and the whole issue of gambling in Ontario. Can you elaborate a little bit more in terms of this issue of responsible gambling, as we move into the Internet, and dealing with young people?

Hon. Frances Lankin: The whole world of access to a range of things through the Internet is new and evolving and a continuing challenge in public policy. In my activities at the Security Intelligence Review Committee, and youth radicalization through the Internet—there's just a whole range of things that we see young people can have access to, where we don't have good means to know, understand or regulate.

The thing about Internet gambling is that that grey market is there, and it has expanded. People are getting brought into gaming, into harmful situations, into addictive situations, without any oversight, and, in many cases, into illegal, off-shore operations that don't even guarantee people, if they supposedly win, that they're paid out. The policy decision to look at and understand what it would mean to bring that under government regulation is an interesting one. People talk about the Internet as not being able to be regulated, but people's behaviour through the Internet, in fact, does open up the possibility of understanding—as people make keystrokes. If it's through a regulated entity like PlayOLG, the opportunity to see red flags in terms of their gaming behaviour and to offer self-education, to offer self-limits, to offer counseling interventions—there's a range of possibilities there.

We don't know, any of us, what the end result of those interventions will be, but there's more potential to intervene in problem gambling in that scenario than there is in the current casinos and certainly in the Internet grey market.

Again, I think it's a balance, and I think it's, how do you ensure they're using best evidence to intervene and move forward?

Ms. Soo Wong: Okay.

The Vice-Chair (Mr. Rick Bartolucci): We'll move to the official opposition. Jim McDonell will start.

Mr. Jim McDonell: Thank you for coming out today. I'm in the opposite end of the province, compared to Percy. We're down in the Cornwall, Stormont, Dundas, Glengarry area, and I know a lot of people who end up going to Montreal or to Hull or across to New York state to gamble at the casinos there. It's a pastime. I won't say it's a problem pastime, but I always dislike seeing that revenue go out of the province. I know at one time there was some thought of trying to keep that money in—and you say it's becoming more of a social issue, and that's what this is, people wanting to go out and have a little bit of fun. But they're crossing borders now. Any thought of reinstituting the possibility of creating centres—like a small casino, say, in Cornwall—because of this issue?

Hon. Frances Lankin: First of all, you remind us by those comments that the vast majority of people who game do it as a social entertainment, and that while there is a population that engages in problem gambling and it's very important that we address that, that's not the majority. I think that's an important thing to remember.

I think you also bring an important point about people leaving a jurisdiction and taking their money to other jurisdictions outside of the province, and if there's a possibility of that money remaining in the province. That's a public goal that all three political parties, at one time or another, have had with respect to this portfolio.

The economics of whether or not something in the Cornwall area would work, and how that relates to the geographic bundling areas that the modernization plan has put forward—I think you have to look at that bottom line. There are people within OLG who have a real expertise in driving the business case. I've not been on the board yet; I've not had those discussions. I think that we should always be open to understanding what local communities are interested in and whether or not there's a viable business case.

And, as in other communities, where people thought perhaps it was a good idea to look at the economics of siting a gaming operation and perhaps have said no—and we've seen that in a couple of notable cases—the whole plan needs to be looked at and understood. Does that mean we have to shift centres or not?

So, open to that? Yes. I have not been part of those discussions as of this date.

The Vice-Chair (Mr. Rick Bartolucci): Rob Milligan.

Mr. Rob E. Milligan: Thank you, Chair, and thank you for coming in this morning.

Sort of building on what Mr. McDonell has pointed out—and that's resort casinos—resort casinos since 2010 have been losing money. I know there's this notion that we should build more casinos, that the government should build more casinos. There's only so much money that can go around. I think we have to look geographically as to where those tax dollars are going, as Mr. McDonell pointed out.

But when we built the resort casinos along the borders—Caesars at Windsor, for instance—at that time, many of the US jurisdictions didn't have casinos. We had a large influx of Americans coming here, and the Americans quickly realized that they were losing revenue and so they readjusted; they built casinos.

When I was down in Windsor and I went into Caesars—just to see; I'm not a gambler—just to see first-hand how many people were attending, you could have fired a cannon through the place and not hit anyone. There were more—

Mr. Percy Hatfield: Sunday morning at 10.

Mr. Rob E. Milligan: There were more employees than there were people actually gaming for entertainment.

My question is, then, what's the rationale for continuing to maintain resort casinos as government assets rather than offering the private sector the opportunity to save the situation and run them themselves?

Hon. Frances Lankin: I think the whole plan of transforming gaming in Ontario, at the base of it, is that very question: Does it make sense that the OLG-operated slots and casinos remain government-operated, or are there other operators in the private sector that could bring economies of scale, innovation, staying on top of trends in gaming, and all those sorts of things? I think that's a valid question to ask as long as we make sure that the conduct and control issues of the Criminal Code, and the regulation and the balance issues that I talked about earlier, are being overseen by government.

The resort casinos are already operated outside of government control in the sense of the private sector operations, and have been from the beginning, in terms of the model. There are still the control issues that the Criminal Code demands and that we want, in terms of ensuring that there is the right revenue flow back to the public purse.

But the bottom line is, what is the business case? The business case in a crown corporation has to understand what the bottom-line dollars and cents are, and what the bottom-line public impact is. If you're not considering both of those things together, I don't think you're doing your job on the board of a crown corporation.

0930

The Vice-Chair (Mr. Rick Bartolucci): Randy Pettapiece, for the PCs.

Mr. Randy Pettapiece: Good morning.

Hon. Frances Lankin: Good morning.

Mr. Randy Pettapiece: As a caucus, as a party, we have long advocated that it isn't the government's role to be selling lottery tickets and deciding which scratch cards to use. We are staring a massive debt in the face, and we need to reduce the size and the cost of government. Do you see the modernization strategy leading us directly in the direction of a purely regulatory OLG, or do you feel that more legislative initiatives are necessary to achieve that goal?

Hon. Frances Lankin: I'm sorry—will the modernization get us there, or do we need law change? Is that your question?

Mr. Randy Pettapiece: Building on what my colleagues have said, government should regulate—we understand that—but they shouldn't be in the business of owning these things—

Hon. Frances Lankin: With respect to the lotteries, again, let's take a look at what we're talking about. The government currently owns the lottery terminal boxes that are in your local convenience store. Lotteries are a publicly supported form of gaming, as compared, in terms of numbers and support, with casinos and other things. It's a broadly accepted form. And yet we have limited capital dollars available to invest in the upgrading of that technology. We don't have multiple product outputs from that, other than gaming; there are other possibilities. We don't have multiple lanes of access in stores, other than convenience stores. So there are lots of places in the north, where I live, where you've got to drive a distance to buy your 6/49 on the big numbers. It's not in local communities.

I think there's a lot that can be done to enhance lottery activities and revenues to government, but not if we keep the hardware-technology black box within government. I think that needs an infusion of private sector innovation. But again, the regulation and the kinds of controls that need to be in place so that we don't see some of the things like insider wins and others that we've seen in the past are a very important part of risk management for the OLG board.

Mr. Randy Pettapiece: I would assume that you've heard what has happened with the horse racing industry in Ontario.

Hon. Frances Lankin: And in Niagara, yes, and Fort Erie. Is that where you're going?

Mr. Randy Pettapiece: Well, you can go all over the province. There has been an issue with the horse racing industry because of a decision that was made back in 2012.

The Vice-Chair (Mr. Rick Bartolucci): Randy, you have 30 seconds, okay?

Mr. Randy Pettapiece: We've seen 9,000 people so far, and counting, lose their work. I wonder if it makes sense to allow the private sector to run this type of business, as long as we regulate things—allow the private sector to come in and say, "We think we can do this better."

Hon. Frances Lankin: With respect to horse racing, the private sector is—there are some agricultural societies and others that run some tracks, but the private sector are the track owners and—

Mr. Randy Pettapiece: I didn't have long enough to phrase that question the way I wanted to phrase it. I'm sorry. I guess I'm out of time.

The Vice-Chair (Mr. Rick Bartolucci): Time is up, Randy.

Hon. Frances Lankin: I'm sorry.

Mr. Randy Pettapiece: I apologize.

The Vice-Chair (Mr. Rick Bartolucci): Frances, thank you very much for your very, very insightful commentary. The concurrence takes place, as you know, after all the intended appointments.

Hon. Frances Lankin: If I can make a little pitch—it's not my role, but my chair-designate is sitting behind me—we would love the board to be able to meet and start to do the business of oversight that you all want us to do, but there are a couple of more members that I think you have on the list to call. If there's anything you can do to facilitate that happening in a timely way, I think we would all appreciate it.

The Vice-Chair (Mr. Rick Bartolucci): Always the organizer, Frances—always the organizer. Thank you so much.

MR. ELMER BUCHANAN

Review of intended appointment, selected by official opposition and third party: Elmer Buchanan, intended appointee as member and chair, Ontario Racing Commission.

The Vice-Chair (Mr. Rick Bartolucci): Our next intended appointee today is Elmer Buchanan, nominated as member and chair of the Ontario Racing Commission.

Welcome, Elmer. Thank you for being here today. You may begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used in your statement will be deducted from the government's time. I turn it over to you, and thank you so much for your attendance here.

Mr. Elmer Buchanan: Well, thank you very much, Mr. Chair. Let me say I'm pleased to be here. I was suffering from a little déjà vu here when I first came in, because on my first trip to this building I used to weekly get to sit beside Frances at a large table upstairs. There's something about this that's a little eerie, to follow her into this particular chair. However, I'm pleased to be here.

Can I—

The Vice-Chair (Mr. Rick Bartolucci): Can we get Elmer a glass of water?

Mr. Elmer Buchanan: I'll do the honours here myself. Sorry.

There are just a few things, Mr. Chairman, that I'd like to give to the committee, and then open it to questions. I always felt that it was useful to allow people to ask questions because then at least one person in the group would be hearing something that they wanted to know about. I'm certainly willing to give everybody a chance to ask questions.

There are a few things, though: You have my CV. You've looked at it. I've picked out a few of the things that I thought were relevant to this particular position that I've been asked to apply for. First of all, when I was appointed ag minister, the media used to have great fun saying that I was an educator; I didn't know anything about agriculture. This time around I want you to know that I'm a farmer. In fact, we're making history here this morning, I think, because I'm probably the first alpaca farmer that's ever appeared before a committee here at the Legislature.

I have a background in agriculture. I grew up on a farm for the first 18 years of my life. I also had horses on

that farm, which is apropos to this particular appointment. We had work horses, and I certainly, as a young person, had the pleasure of working with those horses on the farm, so I have been around horses and understand the horse profile. I do not own or have racehorses, nor do I have any relatives that are in the horse racing business or industry, but I certainly have followed it. There are racetracks in my area, particularly at Kawartha Downs. I've certainly been there as a young person and understand the industry.

In terms of the ORC, it's a regulatory body, as you all know. It has regulatory functions. It licenses virtually everybody in the industry. Anybody who comes near the horse holds a licence from the ORC. One of the primary functions of the ORC, of course, is to make sure that everything is legal, that no drugs or whatever are used in the industry. Penalties are assessed, and if the people who assess those penalties don't like them, they apply to have a hearing from the board. That is one of the significant functions of a board member.

I want you to know that I don't have experience in that particular forum. I'm certainly more than capable of learning how to deal with hearings. I want you to know that the current board has a significant number of lawyers on that board who currently do hearings, and I intend to be able to study how they handle hearings and learn from them and be a leader with that group. So that, I do not think, is going to be an impediment to doing the job of chair.

I also bring a fresh set of eyes to this role. We're in a time of transition, as you all know, and I know that you're just dying to ask me about the horse racing business. You all know that I was part of a panel that spent about the last 16 months getting to know all the ins and outs, the details of the industry. We've met and visited virtually every track. We've talked to owners, breeders, drivers, jockeys and investors. Then we went back and we talked to those people all over again. In the course of that work, we issued three different reports. The reports, in some cases, touched on the ORC and the reorganization of the industry, and talked about a transition to a point where the industry could regulate itself in the sense that it would determine race dates, what kinds of races would be held, what purses would be handed out and so on.

In our final report, we suggested that the ORC needed to have a second division. Rather than just the regulatory side, it needed a business development side which would work with the industry to foster redevelopment, determine race dates and put together a product for Ontario racing that could be bet on around the world; in other words, a first-class, world-class product that people would bet on and that would allow the industry to survive and thrive into the future.

0940

That report is out; I'm sure you've read that. That report has been adopted by the government, and the government has decided to put significant money, \$400 million over five years, into the industry. This new unit,

the business development unit, would be the conduit for the government to flow money to the industry, which means that ORC has a new role, if you will. It's not just the regulatory side of it; it's got this business development side, a division that's separate. The government has asked my good friend John Snobelen, who is behind me, who is part of the panel, to head up and lead that work in developing this new division, this new capacity to work with the industry to get them to the point where they can regulate themselves in the sense that they determine race dates, where tracks are going to have races etc. That is a new feature of ORC.

As the panel worked through their work, we talked about having some new faces at ORC. I put my name in to ORC because of the work that we had talked about at the panel in having someone who understood what the panel had heard from the industry and what we put in our report that the government subsequently adopted. I then submitted my name as a potential leader for the ORC, knowing the background that we had put together and the work that had been done to implement a plan that we thought was sustainable.

I think with that, Mr. Chair, I should stop and live true to my word and give you folks a chance to ask some questions.

The Vice-Chair (Mr. Rick Bartolucci): All right. We'll start with the government side. You have two minutes. Soo Wong?

Ms. Soo Wong: Thank you, Mr. Buchanan, for coming here this morning to speak to and address the committee.

You know, there have been consistent concerns raised from the opposition as well as our government with respect to the future of ORC. Can you elaborate a little bit further, because it's been perceived out in the community that the government has not been respectful in listening to the community in terms of the sustainability of the industry? Do you believe, in your opinion, that this \$400 million you just commented on earlier will ensure the sustainability of this sector in moving into the 21st century?

Mr. Elmer Buchanan: Yes, we do. Very quickly, without wanting to rehash all of the work that the panel did, I would point out to you that when we were first appointed, the government offered up \$50 million over three years. My colleagues John Wilkinson and John Snobelen and myself said to the government at the time, "We're not going to do anything further, because \$50 million won't do it." We subsequently put together a report that increased that significantly. But again, that wasn't enough, in our view, from listening to the stakeholders, to make the industry sustainable, because you need a certain level of racing for it to grow—if you don't have a certain number of races, a certain number of horses, and it's not sustainable, and all you have is ship-in.

We have worked with the industry and with government. We think that the \$400 million, which is \$80 million per year, is sufficient to allow for a platform on

which the industry can grow. We think we're at the bottom, now, the trough, in the industry; we think that with that much money and with investment from horse people, the industry will in fact grow and it is sufficient.

The Vice-Chair (Mr. Rick Bartolucci): Thanks very much, Ms. Wong. We'll move questioning over to the official opposition, and we'll start with Jim McDonell.

Mr. Jim McDonell: Yes, thank you for coming out today. I think one of the issues that I saw as a problem is that there's no question—there was a lot of talk that there needs to be some redesign around the SARP, but the decision was made without any consultation, to the point where farmers had to make decisions about their horses. Stock was sometimes, we heard, destroyed. It really was a matter of, by the time you got involved, trying to pick up the pieces and see what you could do.

In your consultation, what did you hear back? I guess it was as big a shock to the horse racing industry as it was to ourselves when it was cancelled.

Mr. Elmer Buchanan: Yes. We certainly heard, as all legislators did, government and opposition, I'm sure, that they didn't like the way it was done. I would, though, point out that when the SART was cancelled there was a year's notice. The industry did have a year in which to restructure, which was 2012. That was when we were sort of brought in on the file, in the middle of that year. There was some hurt, yes, but as you have indicated, there was certainly a sense within the industry itself that the money that was going in through SART was not all being invested wisely and it didn't need to be that much. We certainly heard that, but the industry did have a time to adjust. And, yes, there was pain and, yes, there were some lost jobs; everybody admits that. But I think most people in the industry now believe that's behind us and that the future is somewhat brighter and that we're going to have a sustainable industry with this investment by the government.

Mr. Jim McDonell: Randy?

Mr. Randy Pettapiece: Yes, thank you. Good morning.

Mr. Elmer Buchanan: Good morning.

Mr. Randy Pettapiece: The racing commission, as I understand it, will be restructured to become a purely regulatory body; is that correct?

Mr. Elmer Buchanan: It was a regulatory body, strictly, and the restructuring that the report talked about was setting up a separate division within—that would be firewalled—to do the business development side.

Mr. Randy Pettapiece: So what's your vision of the future for this industry? Do you have a vision for the future of it?

Mr. Elmer Buchanan: Yes, I do. From the work that I've done in the last 16 months, it looks to me that we're at the bottom or, as I said, the trough of the industry and that there is a future. There is money being put in. I think the breeding industry will come back. There's some gloom and doom on the breeding side of it, but my belief is that the industry is going to invest. The stallions that we've lost that we hear about—I think maybe they won't

come back but there will be investments in stallions and in breeding. We have the HIP program. The government has committed \$30 million in the next couple of years to go into the breeding program to support that. I think the signals are there for investment.

Mr. Randy Pettapiece: I guess I'm getting the other side of the story here, sir, with all due respect. There is a lot of doom and gloom out there and, unfortunately, making rash decisions such as what happened back when that budget was passed, or allowed to pass, certainly hurt a lot of people. Figures of 9,000 people, maybe more, lost their work. Horse breeders got rid of their horses. Owners got rid of their horses. Breeding stock went down to the States. You know, when you shut down a business, it's really difficult to get it back again to what it was before. We knew there needed to be some changes to this thing, but overkill is what it was, in my opinion.

Anyway, what assurance can you give this committee that not only will the ORC involve stakeholders in the determination of the future of horse racing in Ontario but also resist any potential attempts by the present government to spite rural Ontario even further?

Mr. Elmer Buchanan: The government has put money into the industry or committed money for the industry. It's committed money for a core track, which is where the folks who race in that central core area, which you're familiar with, I'm sure, tend to be those people who are making a living in the business. There are a lot of tracks in other parts of the province where it's not full-time; it's a hobby or it's part of their income. The government has committed to allow money for those other tracks in other areas to, if they make a good business case, access some of that money. That includes Sudbury, that includes Lakeshore, that includes all of those other track areas that would like to be in this business.

Yes, there was some job loss. We've heard arguments on all sides about how many. That's kind of a loser's game because it can be X thousand, whatever. We can't even agree on how many people actually work in the industry, which is what we found very early on in our work. We, the panel, have asked the government, and OMAF more particularly, to start tracking the industry so they know how many jobs are in this industry, so they know how much money is being invested in this industry, so if these kinds of decisions ever come up in the future, government will have access to how many jobs that you've referred to are involved. If you cut back or do things, make decisions, that affect the industry, you'll know how many jobs are going to be lost. We can't even get agreement on how many jobs there were and how many had been lost.

0950

That kind of information was lacking in the government. They did not have any idea how many jobs were being lost. You're right, on that count. My sense of the future is, things will be different when these kinds of decisions are made in the future.

Mr. Randy Pettapiece: I would hope they would be different.

Mr. Elmer Buchanan: You have a willing agreement on that.

Mr. Randy Pettapiece: I understand that this figure is elusive; I understand that. However, I believe that the decision was made and allowed to pass without any thought at all as to the ramifications of this whole thing. We're not just talking about people involved in the horse racing business; we're talking about the farmers who sold the feed and harness-makers and whatever else that have lost business there.

The horse racing industry was doing okay before this happened. People are telling me they were making money in it. I understand that there had to be some changes. I think we're all in agreement with that. But I guess my point from my last question was: Can the ORC advise the government, or whatever term you want to use, to not do this again? Is that your position here?

Mr. Elmer Buchanan: I think that was what I was trying to say just a second ago, that the panel—and it has been accepted by the government that the government needs to have information on the economics of the industry, because it did not have that. Horse racing, and you folks all know this—the ORC has had a home at four different ministries over the last short number of years. It has been at finance; it was over at government services. It's currently at OMAF, which I happen to think is the right place for it. The breeding and raising of horses is an OMAF activity, and having the ORC report to OMAF is the right thing to do.

I think, in future, the information that's required to make good decisions by government will be in place so that if the government wishes to access that information, they'll have it on which to make decisions.

The Vice-Chair (Mr. Rick Bartolucci): One minute.

Mr. Randy Pettapiece: I don't know whether I can get a yes or no out of this or not. Looking back at what happened when that budget was passed: good decision; bad decision; should have been done differently?

Mr. Elmer Buchanan: I'm not here to second-guess government decisions. Obviously, it impacted a lot of people. Governments sometimes are forced to do things, given budgetary situations, that are regrettable. Whether it was good, bad or indifferent, the industry needed to be resized, readjusted and put on a sustainable footing. It was a very difficult process for everyone to go through, but it is what it is, and we have to look to the future and move on.

The Vice-Chair (Mr. Rick Bartolucci): Thanks very much, Elmer. We'll now move to the third party. Monique Taylor will start.

Miss Monique Taylor: Good morning. Thank you for being here with us today. I have one question before I pass it over to my seatmate here. Are you a card-carrying member of the Liberal party?

Mr. Elmer Buchanan: No, I am not.

The Vice-Chair (Mr. Rick Bartolucci): All right. We'll move now to Percy Hatfield from the third party.

Mr. Percy Hatfield: Thank you. Interesting to hear you say that the government had no idea of the devasta-

tion they were bringing on the industry. I agree. Windsor, Leamington, Essex county: \$8 million clear in profit tossed out the window; 2,000 people's jobs destroyed, gone. I got involved running on this issue. I wake up every morning thinking how to get these people's lives back together.

I want to ask you about Leamington Lakeshore. You know what's going on there. You gave them four extra dates this year. They want 33 dates next year. They want to build an industry back up in that part of the province. Are you going to help them out, or what?

Mr. Elmer Buchanan: They are going to be treated, as far as I can tell, and I can promise you, the same as every other jurisdiction, every other track. Outside of the core, outside of the circuit, there's a pool of money that has been set aside for those tracks to apply to. If they make a business case, then they can—

Mr. Percy Hatfield: But they're making a business case. They've already proven, on the extra four dates that they were given—they bring in \$20,000 or \$25,000 in handle, which is more than the other tracks of their size in the non-profit operations. They're proving to you they can make it sustainable.

Mr. Elmer Buchanan: Then they submit their business case and how much money they believe they require for the number of races that they wish to put on, make the business case to the business division of ORC and apply for race dates. That's where the ORC will look at that application and make a decision.

Mr. Percy Hatfield: What harm would it be to give them a teletheatre, off-track betting so they'd increase their purse sizes there to make them more sustainable?

Mr. Elmer Buchanan: Well, I'm hoping that you've read our report. This has been accepted by the government, so I'm going under the assumption that this is going to be implemented: We are looking to have one provider for off-track betting theatres, so that one provider will operate all of the OTBs across the province, and the money that's generated from those OTBs will be distributed back to the tracks based on their handle and what they put into the industry—

Mr. Percy Hatfield: But that's the tracks that are established, not the ones that are trying to get up and going.

Mr. Elmer Buchanan: You're absolutely right. In the Windsor area, there are great opportunities for betting. There was a lot of betting that went on in Windsor and the surrounding area. What we need to do, going forward—and this is OLG in co-operation with ORC, as they look at OTBs. You're right. There should be OTBs in the Windsor area. There should be a lot more than there are now, which is virtually none. So there are opportunities there to raise money for the industry. That money, or at least some of it, should go to the folks in your area who are interested in horse racing. So, yes, there are opportunities. You heard earlier from the OLG folks about co-operation, of having horse racing-related products as part of OLG's product lines, where they offer consumers the chance to buy tickets on something. So

there are opportunities and, yes, Windsor certainly is part of that.

Mr. Percy Hatfield: If Caesars gets the ability to run a teletheatre, is there any provision where a small slice of that could be funnelled into Leamington, on a smaller scale, to help grow that industry down there, to increase the purse size, to prove they can handle more race dates?

Mr. Elmer Buchanan: It's difficult for me to sit here and talk about one-offs, in terms of "This track would get a chunk." We've had what were called home-market areas in the past. What I think I heard you suggesting just now is to go back to that home-market area, where each part of the province had their own area, and anybody who bet on anything in that area, that money went to them. That probably works well in Windsor, it probably works well in Ottawa and it probably works well in Sudbury, but it doesn't work so well if you sit in Ajax Downs, Toronto and Mohawk, where you have the tracks close together. How do you divide up the bets that are made? That wasn't working for some tracks—just having what's in your area, which is kind of what you suggested. So we talked about having a global marketplace for OTB money and then having that money go back. Yes, Lakeshore is a start-up business sort of thing in Leamington and would have to have consideration that they are a start-up. I get that.

Mr. Percy Hatfield: What's the fate of Sudbury Downs?

Mr. Elmer Buchanan: Sudbury Downs had racing this year. I have no reason to doubt that they won't make an application for funding for next year. They were probably more dependent on slots for purses than any other track in the province, but if they make a good business case, I have every reason to believe that they'll receive funds to run racing in Sudbury this coming year.

Mr. Percy Hatfield: Do you agree with the government that the Fort Erie Race Track has historically been a festival meet?

Mr. Elmer Buchanan: Hmm—

Mr. Percy Hatfield: Say no; that's okay.

The Vice-Chair (Mr. Rick Bartolucci): I think that's called leading the witness.

Mr. Percy Hatfield: What's the future of Fort Erie?

Mr. Elmer Buchanan: Fort Erie is much more complicated than that question. We looked at Fort Erie. Fort Erie has a lot of history. It's a wonderful track etc. It was, even back in its heyday, much more of a summer-meet track—where the horses ran at Woodbine, and in the spring and the fall and in the heat of summer, they went to Woodbine. It was a very attractive place for betters and horses to go. What was suggested by the panel is that for Fort Erie to survive, it needs to go back to those sorts of roots. It's not sustainable, from a business perspective, to keep putting more government money into Fort Erie to try to make it a year-long or longer-season track. That was what we decided when we looked at the numbers. We looked at the wagering and we tried to move the industry to be more dependent—"we," the panel, I'm talking about now, not "we," Elmer

for ORC. We, the panel, want to move the industry to be more dependent on the wagering, on the bettor, on the customers. That was one of the big things that we did in our report, to get the industry weaned off of government money, to be more dependent on bettors.

1000

Fort Erie did a lot of work this summer to increase their betting, but it's not up to the level that it can sustain itself in the future. That's why we went back to the concept of summer racing, a shorter season and putting some support in there. The jobs at Fort Erie are part-time anyway, because they're laid off in the winter. Put some of that back in there, get some festivals in and build the industry up from there.

Mr. Percy Hatfield: What are your thoughts on—

The Vice-Chair (Mr. Rick Bartolucci): Percy, you have 30 seconds. Do you want to make a statement or something?

Mr. Percy Hatfield: No, I'll just ask a quick one. Thank you.

Mr. Elmer Buchanan: He wants yes/no answers here, I think.

Mr. Percy Hatfield: What are your thoughts on chairing a regulatory body whose budget is affected and influenced dependent upon fines to the participants?

Mr. Elmer Buchanan: If you read our report you would notice that very early on we suggested that the ORC should have a budget based from a government ministry, and that the fines and licence fees etc. generated by the ORC should go to the consolidated revenue fund.

The Vice-Chair (Mr. Rick Bartolucci): Thanks very much, Elmer. This concludes the time allocated for interview. We very much appreciate your honesty. Concurrence will take place after the next intended appointment.

MS. MARY BETH CURRIE

Review of intended appointment, selected by official opposition and third party: Mary Beth Currie, intended appointee as member, Ontario Lottery and Gaming Corp.

The Vice-Chair (Mr. Rick Bartolucci): Our next intended appointee today is Mary Beth Currie, nominated as a member of the Ontario Lottery and Gaming Corp. Please come forward and take a seat at the table. Welcome. Thank you very much for being here. You may begin with a brief statement, if you wish. Members from each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time, and we will be starting our questioning with the official opposition once you've finished making an opening statement. Welcome.

Ms. Mary Beth Currie: Thank you, Mr. Chair and members of the committee. I thank you for inviting me to appear before you this morning to outline my qualifications for appointment to the OLG board. Although each of you has an outline of my experience in front of you, I take this opportunity to elaborate on my background and the relevance to this position.

I am by no means an expert in horse racing, gaming or lotteries, but I do believe that I can make a meaningful

contribution to the board of the OLG, so let me outline my background. I was born in Hamilton and grew up in Brantford. I left Brantford to come to U of T, where I graduated with a degree in Canadian studies and a minor in political science.

I then spent a year in this Legislature as a legislative intern, oh so long ago. I was here when Bill Davis was Premier and Stuart Smith and Michael Cassidy were the leaders of the opposition and the third party, respectively, so that was a while ago, but it was the best year. I worked for John Macbeth as my government backbencher and Mike Bolan, who was the member from Nipissing at the time.

Following my year as an intern, I went to law school in Kingston, at Queen's. I articulated at the Attorney General's office—AG crown law, civil—and my first job was over at the Ministry of Labour, in health and safety. I loved working in the area of health and safety, but I had spent five years going to school to get called to the bar, so after those two years, I moved into private practice.

I have practised at two firms, primarily, for more than 25 years: at McCarthy Tétrault, and after 14 years there, I crossed the street and joined Bennett Jones. My area of practice was exclusively employment law, with a specialty in health and safety. My clients ranged from small businesses to major corporations. I provided the employment advice for their Ontario operations, basically from soup to nuts, starting with the employment relationship, the recruitment, the hiring process—everything to do in the employment relationship with employment standards, workers' comp, privacy, health and safety, human rights and then when the employment relationship ended.

I would call myself, basically, a corporate employment lawyer, because I did not go to court, I did not tend to litigate. I basically sat in my office and talked on the phone. It was the greatest job, because I could talk all day and people would pay me.

I also worked on a large number of transactions—corporate transactions, the purchase and sale of businesses. I did restructurings, CCAA bankruptcies and also a large number of infrastructure projects, so the transition of government services to the private sector. The focus of my advice in those corporate transactions was obviously on employment issues in those transactions. I believe that my experience as an employment lawyer has given me a solid foundation in all respects of human resources, which is the area that I believe will be of interest or of use to the board, should you confirm my appointment.

While at Bennett Jones, I was also elected by my partners to sit on the firm's partnership board. That's the equivalent of the firm's board of directors. I filled a two-year term, so I have some board experience.

I'm pleased that I have been recognized by certain national and international ranking agencies that rank lawyers. I've listed the rankings; it's at the bottom of my application or my CV. It's on your last page, perhaps. I would not normally highlight those recognitions, but I do so because I recognize that I am not an expert yet in gaming and lotteries. I hope that by referring to those

recognitions, you can be assured that I do have the skills and ability to grasp complex information so that I can provide a meaningful, insightful contribution, should you approve the nomination.

I loved being a lawyer, I did, but I have an itch to start my own business. So on June 30 of this year, I left the practice of law and I have now gone back to George Brown. I am studying fashion design. You probably can't see it, but I have a little bit of pink in my hair. That's my goodbye to corporate life. I have gone back to George Brown to study fashion design, and I hope when I'm finished there to open my own business and create my own line.

So I come before you for your approval. As a result of my time as a legislative intern and with the government, I feel that I have an appreciation for how government works and where crown corporations sit within the government framework. You heard Frances Lankin talk about why that is so critically important. As a result of my legal experience, I know how to work hard, and I am committed to doing so on the OLG board. I am sure that my former colleagues in the employment bar, if you were to ask them, would tell you that I can be a tough lawyer to face on the other side of the table, but that I am also civil and respectful and highly ethical.

Now that I have returned to school and am no longer an active member at the Law Society of Upper Canada, I have the time to dedicate to the board's work, and I would be honoured to be appointed to the board. I think I can make a meaningful contribution.

The Vice-Chair (Mr. Rick Bartolucci): Thank you very much. When it comes around to the government time, you have three minutes, but we'll start off with the official opposition. Jim McDonell first.

Mr. Jim McDonell: Thank you for coming out. I overheard a quip that you'd have to make sure you get your licence at the College of Trades soon.

Ms. Mary Beth Currie: That's right.

Mr. Jim McDonell: That kind of threw me off my question.

Just a different perspective here. I've sat on a number of boards. One thing we've always been short of is some of that legal advice, especially with human resources. I see some of the issues that hit some of the committees or local governments, even where I'm from. Of course, it's always a welcome addition.

Just back to my thought and to get your perspective on the siting of casinos and maybe refine the question a little bit more, in an area where we're of course bordered by Quebec and New York state, and we have a number of casinos around—I have a number of friends who make a monthly trip over to one of the locations, generally in New York state because it's the closest. But it's money that, again, I see leaving the province. I don't think it's a grandiose casino, but just that gaming atmosphere. It doesn't always have to be a large something that's enormous. What's your thought of looking at something like that, small casinos that basically attract the people with some card games and the slots? Really, it's revenue, it's

enjoyment, it provides some employment, it puts in the centre a service that we see leaving. Your thoughts on that?

Ms. Mary Beth Currie: I agree, and I'll just echo what Ms. Lankin said about the fact that gaming is an entertainment industry and that it's important to focus on the entertainment aspect of it. I think that everybody would agree that it's going to be done. If it can be done in Ontario, better it be done in Ontario than across the border. On the other hand, there is that complex decision-making mechanism that she talked about involving the municipalities as well, where the municipalities all need to say, "Yay. We want to be part here."

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I'm big on Ontario. I'm big on Ontario business and supporting it here, clearly, within the framework and obviously within the statute that governs it.

The Vice-Chair (Mr. Rick Bartolucci): Rob Milligan.

Mr. Rob E. Milligan: Thank you for coming here this morning.

Just sort of echoing what Mr. McDonell said, obviously our party has, for a long time, especially with the SARP program for the horse racing industry and what's happened on that end—what government role do you see for the province in gaming? I know Mrs. Lankin said there has to be some kind of balance, but we feel that the government shouldn't be in the gaming business, that we should be more of a regulatory body, monitoring and making sure that the Criminal Code and such is adhered to. I just want to get a sense or a feel from you, particularly from a legal standpoint, of what you think the government's role should be in the gaming industry.

Ms. Mary Beth Currie: You don't want my view from a legal point of view, because I am no longer actively a lawyer. But I do think that she has answered, and I would join with her in that, in that I see the role of the OLG—not the government, but the OLG—as implementing the government's policy on gaming and providing the oversight and policy direction and so on.

But look at the amount of revenue that's gone to the government coffers through the gaming business: approximately \$2 billion. When you look at where that's gone, to hospitals, to infrastructure, and \$120 million to the Trillium Foundation for charities, the proceeds go to Ontarians. Where it may be transitioned to private sector employers who have the better technology or the more up-to-date technology and so on—I think they do that kind of work best—there must be a role for the OLG and for government to oversee that in order to have the revenues come back.

I just want to touch on—and as a lawyer, you always say, "Only answer the question. Don't go anywhere else." But I will say that in speaking to the OLG about responsible gaming, I had no idea before I started reading about this how extensive that program is and how amazing it is. I mean, we in Ontario are going to be the gold standard. I don't know if we're there yet; they have received a number of accolades from international lottery

and gaming associations that talk about all they are doing. They pump \$40 million a year into this. But the programs and the people who are behind the programs are dedicated and passionate about this. It is amazing. Frances said that she was impressed, and there's more to do. Let me join her with that. I had no idea before coming here. So I am happy to say that I see it as a big entertainment thing and directing folks to the entertainment, but for those who need the assistance, there is the help and will be the help, and there will be continued support for that. So there's quite a balance.

The Vice-Chair (Mr. Rick Bartolucci): Randy Pettapiece. Two minutes, Randy.

Mr. Randy Pettapiece: Two minutes? Okay.

We've been talking about the horse racing industry this morning. I don't know whether you've followed that or not, but there was quite a change in that business back in 2012 when the budget was passed. But there's an industry that probably could benefit from some sort of private company running that show instead of another government bureaucracy, which is what is being set up now by this government. What are your thoughts on that type of thing, or can you comment on that?

Ms. Mary Beth Currie: I can comment that OLG does not own racetracks, and that would be about the extent of my knowledge. Sorry to say, but there you go: We don't run; we don't own.

Mr. Randy Pettapiece: I guess my point is this: We have advocated for privatization of the gaming industry, and not only horse racing. There is an avenue that could be followed, to have the OLG or the government be just a licensing or a regulatory body; that would be the position of the OLG, and it would get out of the gaming business. What are your thoughts on that?

Ms. Mary Beth Currie: The report, I thought, talked about how racing would be incorporated as part of that overall umbrella of part of the entertainment business. I, at this stage, am completely uninformed to give you—and I'm not trying to stonewall—

Mr. Randy Pettapiece: No, that's fine.

Ms. Mary Beth Currie: I'm really impressed I know so much now about the social responsibility and responsible gambling. But I focused on that.

Mr. Randy Pettapiece: Thank you.

The Vice-Chair (Mr. Rick Bartolucci): All right. We'll move now to the third party, and we'll begin with—go ahead, Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Mr. Chair.

Thank you for being here and for being very refreshing with your honesty. Did you wake up one morning and say, "Oh, I'm going to move into fashion design. I'm going to put pink in my hair, and I want to join the OLG"? How did that come? How did you—

Ms. Mary Beth Currie: Fashion design or coming to the OLG?

Mr. Percy Hatfield: Oh, the OLG.

Ms. Mary Beth Currie: Okay, because it's a better story with the fashion design.

Actually, at McCarthy, Monique Smith was an employment lawyer there as well. Although we clearly have

not worked together forever and ever, when she knew that I was leaving, she proposed or suggested, "Would you be interested in this?" Then I met with Mr. Olsson, the chair-designate—I was so impressed with him, too—and decided that, yes, this is a way to give back. So that was the connection.

Mr. Percy Hatfield: Have you a political connection of one kind or another? Have you been a member of a party or supported a politician of one stripe or another?

Ms. Mary Beth Currie: This is a very embarrassing thing to say, because I feel that as an active member of my community, I should, in fact, be more active. The only party that I've ever joined has been yours. However, that was 30 years ago, and I worked for Dave Warner before becoming an intern.

I have contributed to the Liberal Party in that I've contributed to the women I have worked with, Monique Smith and Laurel Broten, because we both worked at different law firms together. I have also contributed to the Conservative Party because Tony Clement came to Bennett Jones after he left—and I believe it's important, if you are a partner, to support your partners. Paul Boniferro, who is at McCarthy, ran Elizabeth Witmer's campaign. I donated money there, and I said, "This should be used for a shopping trip at Holt Renfrew." Nobody ever told me whether she got to spend my money that way or not. And Joe Tascona was my mooted partner way back at law school.

So that has been the extent of my political contributions and my political involvement, notwithstanding that I was a legislative intern and read voraciously about it.

Mr. Percy Hatfield: Thank you. What do you know about horse racing?

Ms. Mary Beth Currie: Nothing, as I've said at the start. Sorry to say, but I've also said that that's why I want you to look and say, "Yes, this is a woman who can pick up issues and can understand," and I hope to do so.

Mr. Percy Hatfield: Will you meet with all of the stakeholders involved in racing?

Ms. Mary Beth Currie: Not necessarily in horse racing, because OLG does not operate the racetracks. In terms of what the role is with OLG, I'm not sure, if we don't own the racetracks, what necessarily—

Mr. Percy Hatfield: It's all gaming in one sense or another, I suppose.

Ms. Mary Beth Currie: The board is there to oversee the policy and the implementation. It's not the board's function to actually do the day-to-day work.

Mr. Percy Hatfield: All right. Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Monique Taylor?

Miss Monique Taylor: Good morning. Thank you for being here. I'm just curious. You've referenced several times, since you've been here, Frances's opinion: "Frances said this" and—

Ms. Mary Beth Currie: I was just impressed with what she said.

Miss Monique Taylor: I'm just curious. What is your opinion on gambling issues and problem gamblers? Do

you have an opinion on that? Can you bring something different to the table?

Ms. Mary Beth Currie: I'm not sure that you want something different if we're both saying that we believe it to be—

Miss Monique Taylor: No, but you didn't say it. You said she said it, so I'm just curious.

Ms. Mary Beth Currie: Oh, I'm sorry. I was impressed. I joined with her, and I do think it's quite important that there be a focus on problem gambling. I have been very impressed with what the OLG folks are doing now, both to identify and target those who have been identified as problem gamblers to assist them. They have also been involved out in the communities, dealing with mental health and so on. I think that the program that the OLG has is phenomenal about identifying and assisting problem gamblers to either overcome or self-exclude.

So I'm sorry if you think that I am merely repeating. I was just impressed.

Miss Monique Taylor: No, it was just several references. That's why I was just asking.

Ms. Mary Beth Currie: I know, but I was just impressed with her presentation. But I feel very strongly on that.

Miss Monique Taylor: That's good. What do you feel about the OLG's move to online gambling?

Ms. Mary Beth Currie: Again, you talk about grey areas, and a lot of people are going to be doing it. If it can be done under controlled circumstances where—again, this all ties back to the social and the responsible gaming—by the click of a mouse, you can identify who is doing what for how long, how often, at what level, I think it is a good step forward. I think it's better that it be done in a monitored and controlled environment through OLG play or wherever they end up. That's far better than out there in the grey area or uncontrolled off-board.

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Miss Monique Taylor: With your management side employer knowledge, what work experience that you've had do you feel you could bring differently? What, in that experience, can you bring to the OLG?

Ms. Mary Beth Currie: I think, as it moves into its modernization, there will be, clearly, employment issues. Dealing with employees who will be transferring to other jobs is critically important because I think it is a team relationship with both unions and employer, and for those who are non-union. As I understand it, the demographics of the employment workforce at OLG are that they are long-service folks, so treating them with respect and so on. It's a matter of, as people transition to their new roles with the different service providers, if that's the model that is adopted, I think that I can add a lot to that in making sure that they are treated with respect and fairness and dignity.

Miss Monique Taylor: Thank you. My seatmate has another question, Chair.

The Vice-Chair (Mr. Rick Bartolucci): Percy.

Mr. Percy Hatfield: Thank you. I talked to somebody in the industry who told me back in the day there were maybe three, four, five people involved with problem

gambling at the OLG. Now there are 25 or 30, almost like vice-presidents, highly paid, and it's a sacred cow and nobody wants to cut the department because of the problem gambling. Are you prepared to look at that and, from a management perspective, if that's the case, downsize in order to streamline the costs over there?

Ms. Mary Beth Currie: Again, I'm not sure that that type of operational task is the role of the board. I am prepared, overall, if we're talking—and I'm not sure that they're necessarily talking about cuts internally. I think that they're talking about how we make the entire business modern and efficient, and that's where it's moving out to the private sector that may run the resorts or that may run the gambling. I'm not sure that they're talking about cuts internally.

The Vice-Chair (Mr. Rick Bartolucci): Okay, thank you very much. The time for questioning is over. We'll now move to consider concurrences. The first concurrence—

Interjections.

The Vice-Chair (Mr. Rick Bartolucci): Oh, I'm sorry. Yes, go ahead, Soo. You have three minutes.

Ms. Soo Wong: Thank you very much—

The Vice-Chair (Mr. Rick Bartolucci): Sorry. Very bad—

Ms. Soo Wong: As I said, I thought I had three minutes.

The Vice-Chair (Mr. Rick Bartolucci): I was ignoring my government. Good God, I don't want to do that.

Ms. Soo Wong: Mr. Chair, I had a question for the witness.

Ms. Currie, you spoke several times about the issue of responsible gambling and the whole issue about addiction. I'm particularly interested in your view and opinion, because there has been a proliferation in the addiction piece with regard to the diverse community. I know, based on data that I have now for over 20 years on this issue, that the current funding, the current support for responsible gambling through the OLG is not getting down to the communities, especially the diverse communities. I want you to address that issue. In your opinion, in terms of working with the Ministry of Health and Long-Term Care with respect to addiction—because you now have OLG doing funding for mental health and addiction and the Ministry of Health. How are you seeing, in your new role on this board, should you become successful, being more collaborative in addressing this whole issue of diverse communities and addiction? Because it is not being addressed through CAMH and the existing bodies right now.

Ms. Mary Beth Currie: Frankly, the role of OLG is to provide the funding—or it has chosen to provide the funding to the Ministry of Health. I'm not sure that OLG has the ability to control how the Ministry of Health, once it receives those funds, allocates the funds. You, talking about 20 years of experience, will have a far greater depth of knowledge than I and you are in a far better position, likely, to influence the Ministry of Health.

Ms. Soo Wong: But the OLG does fund the Responsible Gambling Council.

Ms. Mary Beth Currie: Yes.

Ms. Soo Wong: So my question here is, where is your opinion on this council in making sure that the funding gets working collaboratively with the Ministry of Health and Long-Term Care?

Ms. Mary Beth Currie: I have to be quite frank with you that that is something I will have to look at, because I do think it's a very important issue, obviously, and it's not something that I had been aware of.

Ms. Soo Wong: Great. Thank you very much.

The Vice-Chair (Mr. Rick Bartolucci): Thanks very much. Sorry about that, Soo.

Thanks, Mary Beth.

Ms. Mary Beth Currie: Now I can stand up?

The Vice-Chair (Mr. Rick Bartolucci): Now you can stand up.

Ms. Mary Beth Currie: Okay. Thank you.

The Vice-Chair (Mr. Rick Bartolucci): We're going to move to concurrences now.

We will now consider the concurrence of Frances Lankin, nominated as member of the Ontario Lottery and Gaming Corp. Would someone please move the concurrence?

Mrs. Laura Albanese: I move concurrence in the intended appointment of Frances Lankin, nominated as member of the Ontario Lottery and Gaming Corp.

The Vice-Chair (Mr. Rick Bartolucci): Any discussion? All in favour? Opposed? Carried.

We will now consider the concurrence of Elmer Buchanan, nominated as member and chair of the Ontario Racing Commission. Would someone please move the concurrence?

Mrs. Laura Albanese: I move concurrence in the intended appointment of Elmer Buchanan, nominated as member and chair of the Ontario Racing Commission.

The Vice-Chair (Mr. Rick Bartolucci): All those in favour?

Miss Monique Taylor: Can we have discussion?

The Vice-Chair (Mr. Rick Bartolucci): Discussion, sorry.

Miss Monique Taylor: Chair, I'd like a recorded vote, please.

The Vice-Chair (Mr. Rick Bartolucci): Okay.

Mr. Randy Pettapiece: I would like to make a statement.

The Vice-Chair (Mr. Rick Bartolucci): Okay.

Mr. Randy Pettapiece: Our party was very disappointed in the decision to dismantle the SART program. We also believe that there are other ways to help the horse racing industry, other than setting up another government bureaucracy. Therefore, we will be voting against this.

The Vice-Chair (Mr. Rick Bartolucci): Any other discussion?

A recorded vote has been asked for, so we'll move to that.

Ayes

Albanese, Hunter, Wong.

Nays

Hatfield, McDonell, Milligan, Pettapiece, Taylor.

The Vice-Chair (Mr. Rick Bartolucci): The motion is defeated.

We'll now consider the concurrence for Mary Beth Currie, nominated as member of the Ontario Lottery and Gaming Corp. Would someone please move concurrence?

Mrs. Laura Albanese: I move concurrence in the intended appointment of Mary Beth Currie, nominated as member of the Ontario Lottery and Gaming Corp.

The Vice-Chair (Mr. Rick Bartolucci): Any discussion? All in favour? Opposed? Carried.

Thanks very much to the intended appointees—now appointees, some.

We're at 10:25, which means we have to adjourn, which means we didn't get to the subcommittee report. I have to say I'm upset at that. Somehow, at a subcommittee, we have to address this. If it's starting 15 minutes early, let's do that. Or if it's cutting down the intended appointments time, let's do that. We had an agenda put together, and I asked for that agenda to be altered, and guess what? We didn't get around to it. That's not what I had anticipated or wanted, as I know no other member wanted. I think that should be a subcommittee meeting.

Yes, Jim.

Mr. Jim McDonell: —I'd just like to move a motion so it gets it on the table for the next meeting, if that's possible.

The Vice-Chair (Mr. Rick Bartolucci): Yes.

Mr. Jim McDonell: Okay.

Interjection.

Mr. Jim McDonell: Well, they've been ringing, but this meeting goes till 10:30.

Interjection.

The Vice-Chair (Mr. Rick Bartolucci): The Clerk is saying that we have to adjourn. Again, I don't like this. This is not the way we should be doing business. We have to look at changing the structure. If it happens every week, whether I'm sitting there—or if anybody would be sitting here; we have that problem. So let's look at a subcommittee meeting to see how we're going to address this.

Mitzie?

Ms. Mitzie Hunter: I just have questions with regard to the report. In particular, are we moving back by a week the item regarding the CEO appearing?

The Vice-Chair (Mr. Rick Bartolucci): Mitzie, honestly, with all due respect, we can't entertain that question if we don't entertain the motion.

The meeting is adjourned. Sorry about that.

The committee adjourned at 1028.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 19 November 2013

Journal des débats (Hansard)

Mardi 19 novembre 2013

Standing Committee on Government Agencies

Agency review: Metrolinx

Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux : Metrolinx



Chair: Lorenzo Berardinetti
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 19 November 2013

Mardi 19 novembre 2013

The committee met at 0807 in committee room 1.

SUBCOMMITTEE REPORTS

The Vice-Chair (Mr. Rick Bartolucci): Good morning, everyone. I think we'll get started; we have another long agenda.

The first order of business is to say that the Chair is away today; he's ill. So I will be taking his place. Well, no one can ever replace Lorenzo, but I will be trying to act as Chair.

The first item of business is the report of the subcommittee on committee business dated Thursday, November 14, 2013. I'll have Laura Albanese give the report, please.

Mrs. Laura Albanese: Thank you, Mr. Chair. I move adoption of the subcommittee report on intended appointments dated November 14, 2013.

The Vice-Chair (Mr. Rick Bartolucci): Great. Any questions from anyone? Carried? Done.

The second order of business is the report of the subcommittee on committee business dealing with Metrolinx. I'll ask Monique Taylor to read the report; it's lengthy. Thank you so much, Monique.

Miss Monique Taylor: Your subcommittee on committee business met on Thursday, October 31, and Thursday, November 7, 2013, to consider the method of proceeding with an agency review of Metrolinx, and recommends the following:

(1) That prior to commencing the agency review of Metrolinx, the committee meet on Tuesday, November 5, 2013, to consider intended appointments.

(2) That the committee meet to commence the agency review of Metrolinx on Tuesday, November 19, 2013, at Queen's Park, from 8 a.m. to 10:25 a.m.

(3) That the Clerk of the Committee, with the authorization of the Chair, post information regarding the committee's business with respect to the agency review of Metrolinx in English and French on the Ontario parliamentary channel, on the Legislative Assembly website and with the CNW newswire service.

(4) That the deadline for receipt of written submissions on the agency review be determined by the committee at a future date.

(5) That the deadline for a response to the questionnaire that was sent to Metrolinx be 5 p.m. on Tuesday, November 12, 2013.

(6) That the research officer provide a background paper on Metrolinx to the committee by 5 p.m. on Tuesday, November 12, 2013.

(7) That the research officer provide the committee with a briefing on Metrolinx, up to 30 minutes in length, on Tuesday, November 19, 2013, at 8 a.m.

(8) That the president and CEO of Metrolinx, Mr. Bruce McCuaig, and the chair of Metrolinx, Mr. J. Robert S. Prichard, accompanied by agency staff, be invited to appear before the committee on November 19, 2013, at 8:30 a.m.

(9) That Metrolinx be offered 30 minutes to make an opening statement, followed by 75 minutes of questions by committee members, 25 minutes per caucus, in two rounds: a 15-minute round followed by a 10-minute round.

(10) That the committee meet to hear from stakeholder groups on Tuesday, November 26; Tuesday, December 3; and Tuesday, December 10, 2013, at Queen's Park, from 8:30 a.m. to 10:25 a.m., and that stakeholders be scheduled in the following order: selection of the official opposition, November 26; selection of the third party, December 3; and selection of the government, December 10.

(11) That stakeholders be offered 30 minutes to make an opening statement, followed by 75 minutes of questions by committee members, 25 minutes per caucus, in two rounds: a 15-minute round followed by a 10-minute round.

(12) That each caucus provide the Clerk of the Committee with information regarding at least two stakeholders they would like to invite to appear by 12 noon on Monday, November 18, 2013.

(13) That the Clerk of the Committee, in consultation with the Chair, be authorized, prior to passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The Vice-Chair (Mr. Rick Bartolucci): Thanks, Monique. It's much appreciated.

Miss Monique Taylor: You're welcome.

The Vice-Chair (Mr. Rick Bartolucci): All right. Now that we've done the report, any debate on the report?

All right. Shall the report be accepted? Beautiful, great.

Now we have Jeff—

Mr. Kevin Daniel Flynn: Chair?

The Vice-Chair (Mr. Rick Bartolucci): Yes, Kevin?

Mr. Kevin Daniel Flynn: Just as a follow-up to that, the stakeholder groups: When will we have a list of those stakeholder groups that are being called?

The Vice-Chair (Mr. Rick Bartolucci): Sylwia?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): The deadline for the caucuses to submit their information to me was yesterday. I did receive them by the end of day yesterday, so I'm happy to—

Mr. Kevin Daniel Flynn: Could you circulate them?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): I'm happy to do that later today, yes.

Mr. Kevin Daniel Flynn: Thanks Sylwia. Thank you, Chair.

AGENCY REVIEW: METROLINX

BRIEFING

The Vice-Chair (Mr. Rick Bartolucci): We've got roughly 17 minutes for Jeff Parker, our legislative research officer, to give us some highlights. Jeff?

Mr. Jeff Parker: All right. I think we agreed in the subcommittee meeting that I would try to keep my remarks as brief as possible so that you have some time for some questions or some feedback so I can find out what you're most interested in looking at.

I wanted to touch on a few things. I would direct you to the two pieces of work that research has produced for you. One is a background report on Metrolinx and one is a smaller packet of visualizations. You should have received that in your packets this morning right after the subcommittee report. I will refer to them a couple of times, but they should hopefully be good reference documents for you to look back to as you're considering the review of Metrolinx.

I'm just going to highlight a couple of elements from these two reports and products that we've put together. This briefing is not going to be exhaustive because we simply don't have the time, and I'm sure you want to get to your questions.

The first thing I want to highlight is that Metrolinx has a very interesting mandate because it's got three inter-related but indeed separate tasks that it does here, and I want to go over that very quickly. The first is to provide leadership and to coordinate between the different regional transportation networks and to create an integrated system. That's basically the original reason that this agency was founded back in 2006. This is also the basis for the Big Move, which is the regional transportation plan that we hear so much about in the media and that we're talking about, and that I'm sure will be a topic of discussion for the committee.

This is sort of the first reason for Metrolinx. It's also the rationale behind the Presto card system, which is the unified fare card. That's something that has been adopted in a number of transit systems not only in the GTA, but also in Ottawa. OC Transpo is integrating the Presto system into their transportation service. Basically, what

the Presto card allows you to do is it allows you to use a single card to pay fares on a number of different systems. For example, if you were to come today from Pickering or Ajax to Queen's Park, you might take a bus in from Durham region transport to the GO trains down to Union Station and then take the TTC up to here. You'd be paying three separate fares technically, but the Presto card would allow you to pay with a single card throughout this entire system. That's all again under the integration-coordination mandate of Metrolinx. That's sort of the first big mandate and the reason they were founded.

The second part of the mandate, and again one of the founding mandates of Metrolinx, is to act as the central procurement agency. When I'm reading this mandate, this is right from the act itself, section 5 of the Metrolinx Act.

This is, again, a very straightforward piece of the mandate. This is about using economies of scale, so that rather than have each separate municipality buy their buses, Metrolinx can place a bulk order, which is going to achieve economies of scale and save money. Metrolinx itself estimates that they've done this for more than 26 transit agencies, acquired more than 500 buses and have saved Ontario taxpayers an estimated \$9 million. As part of a three-pronged mandate, this is probably the least publicized and the smallest aspect of it, but obviously it's still important to list it in the legislation.

And then the final one, to operate the regional transit system: This is actually an addition from 2009. In 2009, the Legislature passed a fairly significant amendment to the Metrolinx Act which brought the GO train system under the authority of Metrolinx. It brought the Presto card system formally into Metrolinx from its place in the Ministry of Transportation. And it changed the governance of the organization.

The operation of GO Transit is obviously very significant. It's by far the largest part of Metrolinx's budget. In the background paper, the larger one that I've given you, page 7 has a summary of the financial information for the last three years from the agency. If you look, you'll see that the largest categories of expenses are either entirely or mostly to do with the GO Transit system. That's things like rail and bus operations, facilities and track, equipment and maintenance, and even labour and benefits, because the largest part, in terms of employment at Metrolinx, is going to be the GO Transit arm, the largest number of employees. So when we're talking about the money that Metrolinx spends and the operations it provides and the employees that it hires, we're dealing primarily with GO Transit there, because it's the largest chunk of their operation.

So that's the mandate, and I just spoke about the 2009 change. I think that's important also from a governance perspective, because prior to 2009—between 2006 and 2009—Metrolinx, as a board, was much more of an inter-governmental and inter-municipal body than it is today. Today it looks much more like a traditional government agency. It has a CEO. It has a chair. It's run more in a

professional, corporate way. But prior to that, the members of Metrolinx actually tended to be municipal chairs and mayors. So the mayor of Toronto was on the Metrolinx board; the mayor of Mississauga was on the Metrolinx board. In the package that Metrolinx gave you, the giant binder, they have a full copy of the original Big Move transit plan. If you go to the third or fourth page, they've got the list of the people who designed it and they have the board of Metrolinx: It's Hazel McCallion; it's David Miller; it's a number of these politicians. There has been a transition there. I highlight that because when we're dealing with Metrolinx in its current form, with the management of GO Transit with its current board of directors, we're dealing with a relatively young agency. This agency in its current form is only four and a half years old. Indeed, the leadership of the current chair and CEO only extends back about three and a half years. So we're not dealing with something that has been reviewed extensively by this committee or by other bodies. We're dealing with something that's still, in a sense, in its infancy, despite the very significant responsibilities and the significant budget that it has.

The final thing that I'm going to leave you with is the regional transportation plan, the Big Move. Obviously, that gets a lot of publicity because we talk about a \$50-billion plan, 30 years, 25 years. It's a lot of money and it's a lot of time. You'll see on page 3 of the smaller visualization that we've brought in to you that there are about nine or 10 projects under way. I say nine or 10 because it depends on where you count the Scarborough RT project. It's included in the original visualization provided by Metrolinx, but their current website doesn't list it because obviously it's in a bit of a state of flux right now. The original projects under production right now include things like the Union Pearson Express, the Eglinton Crosstown LRT and the Finch West LRT. That's going to total about \$16 billion, and the funding has already been pledged to it by various provincial, municipal and, in some cases, federal governments and agencies.

The next-wave project, which is where some of the current public debate is coming from, is estimated to cost approximately \$34 billion. That's where we've gotten into the debate about revenue tools. You've seen the reports about the 0.1% proposed increase in HST, the increase in the gasoline tax. That would go to fund the \$34 billion coming later. I've included a couple of graphs in the visualization report to give you an idea of where that money will be spent. It's really important to note, when we're talking about the funding for this, there is going to be a significant capital outlay at the beginning, but then we're going to transition into fairly significant costs in terms of refurbishment and maintenance. So it's important to remember that even though there's a significant investment in the building of these new transit projects, there will also then be a significant investment in keeping them running. If this plan were to go ahead, there's going to be a much larger transportation network, which will have some benefits but will also come with

the costs of maintenance and upkeep, and that's something that sometimes gets missed—at least, I found in my research—in the current debates about the funding of the system.

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Finally, if you look at the visualization package, I have included two maps which give you an idea of what the new routes and builds are supposed to be, to give you a sense of what is being proposed and what's on the table for this money.

To wrap up, first, I'd like to also recognize Julie Anderson, one of our data librarians, who was very helpful in providing these materials to you, and open the floor to questions. Hopefully, this has given us a good basis to begin from.

The Vice-Chair (Mr. Rick Bartolucci): Thanks very much, Jeff. Are there any questions from anyone before we go into Metrolinx's presentation? Any? Okay.

Miss Monique Taylor: I'll ask a question.

The Vice-Chair (Mr. Rick Bartolucci): Monique?

Miss Monique Taylor: You said there were three main mandates: Presto, bulk order of the inventory—and what was the other one?

Mr. Jeff Parker: The final one is operating the regional transportation system.

Miss Monique Taylor: Operating.

Mr. Jeff Parker: Again, like I said, that's primarily GO Transit, and that was added in 2009, when Metrolinx was expanded.

The Vice-Chair (Mr. Rick Bartolucci): All right. Any other questions? Good.

METROLINX

The Vice-Chair (Mr. Rick Bartolucci): Then we're going to move right into Metrolinx's presentation. At this time, I'd like to call up J. Robert Prichard, the chair of Metrolinx, and Bruce McCuaig, the president and the chief executive officer of Metrolinx. Thanks very much, gentlemen, for coming out this morning. You have up to half an hour for your presentation. Go ahead.

Mr. Robert Prichard: Chairman, thank you very much. My name is Rob Prichard. I serve as chairman of the board of Metrolinx. To my left is Bruce McCuaig, who serves as the president and chief executive officer of Metrolinx. We're very grateful for the opportunity to appear before you. The work we do at Metrolinx is enormously meaningful to us and the colleagues that we represent, and to have the honour of appearing before you and answering your questions is a special privilege, so thank you for it.

Our intention is to go through a presentation that you have a copy of. I'm going to deal with the first seven slides and Bruce will deal with the remainder.

I think there is no inconsistency between what's in this deck and in the material received from Mr. Parker. I only saw Mr. Parker's material earlier today, but I thought it was absolutely first-class, what he prepared for you, on a

first read. It corresponds exactly with our own views on the matters he covered.

Metrolinx was created in 2006 for the purpose of providing residents and businesses in the GTHA, the greater Toronto and Hamilton area, with a transportation system that's modern, efficient and integrated.

The way we think of Metrolinx—and this is slightly different, Mr. Parker, from yourself, but we think of it as: We plan, we deliver, we build and we integrate.

We plan: That is the Big Move; that is the investment strategy; that is policy and planning directions for the GTHA with respect to transit and transportation.

We deliver: We operate a significant transit delivery agency in GO Transit, with our trains and buses.

We build: We build new transit infrastructure for the GTHA—for example, the Union Pearson Express, the Eglinton Crosstown, the York Viva bus rapid transit.

We integrate: We integrate, in that we have 10 transit agencies in the GTHA, and our job is to bring them together in a coordinated, integrated way, the Presto fare card being a contributor to that ambition for integration.

So “we plan, we deliver, we build and we integrate” is the mandate of Metrolinx.

On the next page, page 3, you have a map of the GTHA, as we understand it and as we serve it. Some of our services go beyond the GTHA, in that we have a train service to Kitchener-Waterloo, we have a bus service to Peterborough. So we do go beyond the boundaries of it, but our mandate under our statute is principally for the GTHA.

This is, as you know, a very large area, at six million people. It's four orders of government. There are 30 municipalities in the GTHA, and there are 10 transit agencies. Metrolinx is not the only transit agency; Metrolinx is one of the agencies. There are 10, and when I say we integrate, we have to integrate and coordinate across those 10 agencies, including our delivery of GO Transit services.

On page 4 there's a brief history. Again, it follows the same timeline. It's in the research material. Metrolinx was formed in 2006, so we're only seven years into the history of Metrolinx. It was created as the Greater Toronto Transportation Authority in 2006. It was renamed in 2007. It adopted the regional transportation plan, that is, the Big Move, in 2008. Then, in 2009, the statute was rewritten and Metrolinx was merged with GO Transit. In 2010, the Union Pearson Express was added to our mandate. In 2011, the government transferred Presto from the Ministry of Transportation to Metrolinx, and we also then, in 2012, assumed responsibility for building the Toronto rapid transit projects. Then, in 2013, we delivered the investment strategy. So it has been seven years from start to where we are today.

The critical change, as Mr. Parker said, occurred in 2009. In 2009, the statute was rewritten. It affected the merger of GO Transit and Metrolinx, and it substituted a citizen board for what was previously a board principally made up of elected or appointed mayors and chairs from the municipalities forming the GTHA.

On page 5, in terms of governance, we report to the Minister of Transportation. We do so consistent with the memorandum of understanding, approved by the minister and the board, that sets out the accountabilities within the statutory framework. The memorandum of understanding sets out the relationship and the roles of the minister, of the board, of myself as chair and of Bruce as president. We have a board of directors. The members of the board of directors are listed there. We have one vacancy as of about a week ago, as this committee approved, unfortunately, Ms. Frances Lankin leaving our board to become a member of the OLG board. That's why we're one short at present. We have five committees of the board that are listed there.

In terms of the issue, as you know, congestion is the issue we're trying to deal with. Congestion is a very serious problem in the GTHA. We suffer from a serious congestion issue. It's a high-class problem in the sense that it has come from the exceptional growth and success of the GTHA as an urban area. It's because the GTHA has grown so quickly and has attracted so many people from across Canada and around the world that it has contributed to the congestion issue. The congestion costs people as individual citizens, in terms of their time. Our commute times are growing and they are very long. It's affecting our economy. The cost of congestion to the economy of the GTHA, and therefore to Ontario and to Canada, is large, estimated at \$6 billion. People criticize that estimate as being too low. The C.D. Howe Institute would put it as closer to \$10 billion and growing towards \$15 billion a year in the absence of strategies to mitigate it. And it's also that congestion contributes in a negative way to our environment with greenhouse gas emissions.

Let me finish on page 7, before turning to Bruce McCuaig to continue. On page 7, I simply want to make the point that this is a regional agency for a regional problem. The nature of the transportation and transit issues in the GTHA are regional. It's not just in downtown Toronto, downtown Mississauga or any one place within the GTHA; it is a regional set of issues where all kinds of different parts of the GTHA are suffering from the congestion issues, and we need regional solutions, solutions that transcend the boundaries of any one of the 30 municipalities that form the GTHA. The very nature of the transit and transportation issues in the GTHA are regional and cut across boundaries, which is why we have a regional agency with a regional mandate to bring together—not to do everything ourselves, but to bring together the 30 municipalities and the 10 transit agencies in a coordinated way.

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The GTHA is Canada's largest urban area. It's the fourth-largest urban area in North America. It's one of the fastest-growing urban areas in the developed world, and it needs a seamless, integrated transportation network, delivered on a regional basis, in order to serve the people. It is that coordination and integration that is our mandate: to contribute to working with our municipal

partners, with our municipal transit partners, to deliver solutions for the GTHA.

With that, Chairman, I'll stop and I'll hand it to our president. Our president is Bruce McCuaig. We at the board of directors think Bruce is doing an amazingly good job for us. He joined us three years ago after serving as Deputy Minister of Transportation, and we on the board think we're very, very fortunate to have him as our president.

The Vice-Chair (Mr. Rick Bartolucci): Thank you, Mr. Prichard. Bruce?

Mr. Bruce McCuaig: Thank you very much, and thank you, Rob, for those comments.

I'll go through the following slides very quickly, just so that we can go into the questions and the discussion and spend as much time as possible on that.

I wanted to start off with just giving a bit of an overview of the organization itself. On slide 8, you'll see that the basic structure of Metrolinx is, first of all, a series of enterprise-wide functions to provide efficiency and commonality across the organization. Those are the kinds of areas that you would expect: things like legal, human resources, our planning functions, procurement, communications and those kinds of areas.

We also, though, have four specific business units that really are our customer-facing components of the organization: GO Transit, Union Pearson Express, Presto, and regional transit implementation. The business units are designed to continue to be the brand that customers experience and see and touch every day, and I'm going to spend a few minutes talking to each one of these business units in turn.

On slide 9, first is GO Transit, and as Mr. Parker indicated, it's the largest single component of Metrolinx and has the history and tradition of about 47 years of service. That goes back to 1967 in terms of delivering bus and rail services in the region. It represents a major success story in terms of moving people around this region in a very efficient fashion, and it was the winner of the 2013 award for the outstanding public transit system in North America by the American Public Transit Association. Its function really is building a safe, reliable and efficient transit service with high levels of customer satisfaction, and it has accomplished that in many ways. Some of the numbers shown on this slide attest to that.

It recovers about 80% of its operating costs from the fare box, which is the highest in North America.

We're undertaking the largest expansion in its history, as we roll out additional two-way, all-day service, including most recently, in June, the extension of 30-minute service on the Lakeshore rail corridors to both the east and west portions of the greater Toronto and Hamilton area. Sixty train trips have been added every weekday since 2010, representing a growth of about 25% in terms of service levels, and bus trips have grown by about 22% in that same period of time. All of that supports a significant growth in ridership over the last few years, which is illustrated in the graph.

On slide number 10, I also wanted to give some highlight to the GO Transit passenger charter, and the

reason why this is important to us is that it really is an indication of our commitment to improve customer service. We announce and report publicly to our customers on our five promises that we make in terms of being on time, in terms of having a comfortable journey, in terms of keeping our customers in the know. I'll just highlight a couple of the performance measures that we report and track publicly.

An example of these is on-time performance, which of course is most important to our customers, and I'm pleased to report that our on-time performance is running at 95%, which exceeds the target that we've promised to our customer base.

Another example of our performance is the percentage of passengers who are satisfied with our safety on the system. It's at 87%, which again exceeds our target.

So this is an indication of our commitment to keep performance indicators to report publicly to our customers and to track how well we're performing, not just against ourselves but against our benchmarks.

On the next slide, slide 11, there's some information on the Presto integrated fare card system. Again, it demonstrates progress and significant growth in Presto use in more than doubling the number of customers in just a single year. We're currently at about 920,000 customers across the greater Toronto and Hamilton area, as well as Ottawa, who use the Presto card every day in terms of their travel. It's fully operational on GO Transit, OC Transpo in Ottawa, Mississauga, Brampton, Oakville, Burlington, Hamilton, York region and Durham transit, and, as well, at 14 TTC subway stations. The balance of the TTC is forecasted to be completed in terms of deployment by 2016, and in 2014 we'll be undertaking the first wave of this next deployment.

Over \$500 million in fares have been paid, and we are growing this system by about 35,000 customers each and every month. To give you a sense of the customer uptake on the GO Transit system, about 77% of our customers are using Presto to pay their fares every day.

On slide 12, you see information on the Union Pearson Express. I'm pleased to say that we are on budget and on schedule to launch this service in spring of 2015, with a 25-minute trip from Union Station in downtown Toronto to Pearson International Airport departing every 15 minutes, linking two of Canada's largest passenger facilities. We will take about 1.2 million car trips off the road in the first year of operation. If you've been to Pearson airport recently, you'll see that the construction of the spur line and the station has already added a dramatic part to the skyline of Pearson airport.

On slide 13 is our newest customer-facing service, which is the rapid transit implementation and is actually probably the most significant growth area, from a capital side, of our organization as we move to implement projects like the Eglinton Crosstown and the Viva rapidways bus rapid transit system.

On the crosstown project, the first tunnel drive is under way in the west end of the city. Just last week, we announced the contract award for the second tunnel drive

in the east end of the corridor. The crosstown will provide 19 kilometres of service, of which 11 kilometres will be underground, and we anticipate releasing the request for proposals for the alternative financing and procurement for the crosstown by the end of 2013. This is an important project connecting communities across Toronto, and, when complete, will save customers up to about 20 minutes each way in their daily commute.

Another example of progress is on the Viva rapid transit system, with the first segment opened in August, ahead of schedule. We are continuing to work with York region in terms of delivering additional elements and components of that program.

On slide 14 is some information on our budget. You'll see in the pie chart the distribution of our capital funds across the various program lines. GO Transit represents currently about 57% of our total capital spend, with the second-largest component being rapid transit implementation at 33%. Presto represents about 4%, and Union Pearson Express about 6%.

In terms of the operating budget, you can see that the current budget is about \$590 million, split largely between fares that are collected from the GO Transit fare box and the provincial allocation towards our operating costs. Staffing is about 2,869 individuals, and, as Mr. Parker indicated, the vast majority of those individuals are customer-facing services on the GO Transit system, representing over 2,100 of our employees.

Going forward, in terms of the regional transportation plan, we do have the \$50-billion, 25-year transportation plan for the region, and it's about building the kind of system that we need to move people and goods across our region. Its key elements are tripling the length of rapid transit lines, putting 81% of the population within two kilometres of rapid transit, reducing our average commute times to an average of 77 minutes, and decreasing greenhouse gas emissions from transportation by 29%.

On slide 16, you'll see an image of what that plan looks like. I'm not going to go into any detail on this, other than to say that the key essence of this plan is to supplement our existing system, which carries people from the suburban areas into the downtown areas, with a grid system that connects, east-west and north-south, all of the various population and employment centres that have been growing up around the greater Toronto and Hamilton area.

The benefits, on slide 17, include building a competitive economy to keep our businesses moving, making services move around this region as efficiently as possible, supporting a high quality of life for the region by allowing people to spend less time travelling and building a sustainable environment, because transportation does have impacts, we know, on land, air and water, and we're working to try to minimize those impacts through the implementation of the Big Move regional transportation plan.

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On slide 18 is just an example of some of the projects that we're implementing at this point in time. There are

about 200-odd projects that are funded under construction around the region, representing about \$16 billion in funding. It's the largest program that we've had in this region in our history. I've spoken already about some of these areas, but another one is of course the Union Station revitalization project, where we're basically taking a 1927 structure, a national heritage feature, and tripling its capability to carry GO Transit passengers through the system as well as doubling the subway station at Union Station, as well as improving the train operations in the train shed itself.

On slide 19 is just a visual representation of the over 200 projects that are under way right now. The size of the font represents the relative size of the funding into various projects. About two thirds of our GO Transit stations, for example, have improvements that are under way in terms of construction and activity. We are working with municipalities across the region in terms of supporting and building their infrastructure as well.

The next wave of projects, on slide 20, represents about a \$34-billion capital construction cost in terms of investment going forward. This is really focused on expanding the impact of the regional transit system across the region so that there is support for all communities in the greater Toronto and Hamilton area. It includes light rail transit and bus rapid transit on projects like the Brampton Queen Street LRT, the Dundas BRT, the Hamilton light rapid transit project and the Hurontario-Main light rapid transit project. It includes subway projects in terms of the relief line and the proposed extension of the Yonge north subway. It includes expansion of GO Transit on all of its corridors, moving towards two-way all-day service across the network and also moving towards electrification of the Lakeshore East and Lakeshore West corridors as well as the Kitchener-Georgetown corridor. It also includes about a 25% investment out of that \$34 billion towards local transit on roads and highways on active transportation and on integration because each trip that we make on our transportation system begins or ends on a local element of the transportation system. We also need to support municipalities in terms of providing those services.

In terms of the investment strategy, very briefly, we had a mandate in the legislation to prepare a report by June 2013. The board of directors endorsed a plan in May of this year which is really about coming up with the tools and the means to continue to invest in our transportation system. There has been a focus of course on the revenue tools that have been recommended, but I would also like to emphasize that there's a total of 24 recommendations that deal with a range of issues including the integration of land use and transportation planning, how we maximize value in terms of our investment going forward, how we optimize our existing system and, of course, the kinds of revenue tools that we need to continue to invest in the transportation system. The province announced the Transit Investment Strategy Advisory Panel, and that panel is currently reviewing our recommendations and consulting with stakeholders and the

public, and will be providing further advice to the province in December.

The process for choosing the investment tools is briefly outlined on slide 22. I would like to emphasize that we looked around the world to see how other global cities deal with these kinds of issues. When we look at places like Vancouver, Montreal, Paris, Chicago, New York and London, they have all had the conversation about how to dedicate long-term sustained revenue towards their transportation systems. In essence, we're looking to see what kinds of best practices we can take from those jurisdictions and apply here in the greater Toronto and Hamilton area. When we spoke to the public, stakeholders and municipalities, four principles were very important in this discussion:

- dedication of revenue to specific outcomes so people know that revenue that's being collected is going to fund and support the delivery of specific projects in their community;

- that there would be fairness across all population groups in the greater Toronto and Hamilton area so that people who are benefiting are contributing to the kind of system that we're building for the future;

- that there's equity in terms of the distribution of projects; and

- that there's accountability and transparency in how funds are collected, managed, expended and, in the end, put into service over the next 30, 40 or 50 years.

In terms of our major challenges ahead, on slide 23, I would outline six:

- delivery of capital projects; clearly this is all about how we can efficiently deliver our program;

- fare and service integration with the Presto fare card;

- how to bring together our 10 transit systems to improve the experience for customers across the region;

- sustained and dedicated funding to make sure that we can continue to build;

- the role of the federal government in terms of providing long-term, sustainable funding for urban transportation;

- making decisions that are based on good evidence and facts, and developing the kind of system that we need for the future; and

- sustaining a shared vision across the entire region.

I'd just like to close by indicating that while much has been accomplished in this region, I think we can all agree that a great deal still needs to be done, and we are very grateful. We appreciate the support that we've received from all of our funding partners, the province, municipalities and the federal government. We believe that these investments are so vital to improving the quality of life in our region, and in the end, the economic competitiveness, so that we can continue to sustain the kind of growth that we've experienced in the greater Toronto and Hamilton area. Thank you very much.

The Vice-Chair (Mr. Rick Bartolucci): Thanks very much, Mr. McCuaig and Mr. Prichard, for a very, very good presentation.

Now we're going to start the questioning—two rounds. The first round is 15 minutes per caucus. The second round will be 10 minutes per caucus. We're going to start with the official opposition in the first round of 15 minutes. Who's going to lead off?

Interjection.

The Vice-Chair (Mr. Rick Bartolucci): Jeff Yurek will be the first one.

Mr. Jeff Yurek: Thanks, Chair.

The Vice-Chair (Mr. Rick Bartolucci): You're welcome.

Mr. Jeff Yurek: Thanks, guys, for coming out and giving us an updated report on Metrolinx. I want to focus on Presto for a little while and go through a series of questions with you. I just want some general information.

What's the total investment made into the Presto system as of today?

Mr. Bruce McCuaig: The investment in the system, in GO Transit and the GTHA, the suburban bus companies, represents about \$186 million in terms of a capital investment. The investment in Ottawa, OC Transpo and the Ottawa system, represents about \$40 million. We're in the process of developing the program and implementing the program for the TTC, so that's information that will be developed as we finalize all the technical specifications and implement that program. I can't give you a final number on that. The budget at this point is \$255 million.

We're also expending money to keep Presto up to date as times change, and going towards Presto Next Generation represents an investment. I'll have to come back to you with the exact number on that investment.

Mr. Jeff Yurek: Okay. How many riders will Presto need in order to break even down the road? Have you calculated that?

Mr. Bruce McCuaig: I'm not sure if the objective was ever to break even in the sense that this a money-making venture. I think the intention was to provide a modern tool that is in all of the customers' of transit purses and wallets that allows them to navigate the system, and it also allows the transportation systems a more efficient way to collect their revenue.

To date, about half a billion dollars' worth of revenue has been collected through the Presto system. To give you a sense: the TTC anticipates that as we implement Presto across the TTC, they would actually be saving about \$10 million a year in terms of their cost of collection of their fares from the existing system of Metro-passes, tickets and tokens.

We've never looked at Presto as a money-making venture but really as a venture to try to improve the quality of the customer experience, make it more convenient for customers and make it more efficient for the transit operators as well.

Mr. Jeff Yurek: Okay, so there's no plan to recoup the money invested into the Presto system?

Mr. Bruce McCuaig: In terms of the implementation and the TTC, the TTC is going to be providing us with 5.25% of the revenue that we collected to offset the cost

of the investment in Presto for the Toronto system. So the objective in the Toronto deployment—which is a different business model than the existing program on GO Transit and in the 905 suburban bus companies—is that we would be recovering our capital and operating costs on the TTC.

Mr. Jeff Yurek: Just on the TTC portion.

Mr. Bruce McCuaig: That's correct.

Mr. Jeff Yurek: Okay. I just want to touch a little bit more on the Presto. Waterloo region is going forward with implementing a fare card system, and they've said they won't be going with the Presto system because Presto refuses to enter a competitive bid process. Why is that? Why wouldn't Presto want to compete and help recoup some of the costs that the taxpayers poured into the card system in order to maybe give back to the taxpayer the money they've put in?

0850

Mr. Bruce McCuaig: Well, to be clear, the conversation that we've had with Waterloo region is whether or not Presto could provide a service in the time frames that they needed to deploy the system on the Waterloo light rail transit program that they're currently in the process of procuring. We indicated that our focus at this point in time is really on the deployment of Presto on the TTC. That was really going to be the main focus of the Presto program over the next few years. We suggested that it would be better for them to move toward a competitive process.

Whether or not we owned the intellectual property for Presto in Canada, whether or not one of the service providers wishes to take the Presto system and actually submit a bid, that would be up to the company involved. As an organization, Metrolinx does not see itself competing with the private sector in terms of responding to an RFP. If Accenture, which is our service provider, expressed an interest in responding to the Waterloo request for proposals, then we would have a conversation with Accenture in terms of how they would go forward with that proposal. But, in and of itself, we do not intend to compete with the private sector in terms of bidding for the Waterloo project.

We have spoken to Waterloo region about how the specifications for their program can be designed in a way that allows for integration with Presto, so that a customer using the card that Waterloo has could actually use it, for example, on the GO train or as they come into the Toronto region so there would be a level of integration.

Mr. Jeff Yurek: Okay. You say there are timeline gaps in order for Presto to serve Waterloo. Is that correct?

Mr. Bruce McCuaig: I think I indicated that our focus right now—in the next two or three years—is to really focus on the deployment on the TTC in the city of Toronto. It is the largest transit organization in Canada, and deploying that across the subway, streetcar, bus and LRT networks is a significant undertaking. That's really what our priority, as a focus, is over the next two to three years.

We realize that Waterloo wanted to deploy a fare card in their region in that same time period, and we suggested that, rather than looking to Presto as being the sole way to deliver that, they may wish to go out to the marketplace.

Mr. Jeff Yurek: On that, seeing how there are already systems in place out there that are going to bid on the Waterloo system and implement what you're trying to implement in Toronto, are you guys really just reinventing the wheel and perhaps are years behind what's already out there in the system? Is there not an off-the-shelf product that would have met your needs and that is going to meet the needs of Waterloo?

Mr. Bruce McCuaig: Well, to be clear, we're not trying to implement a solution in the Toronto area; we have implemented a solution in the Toronto area. We are operational on GO Transit and all the suburban bus companies, and we're operational in Ottawa. Almost a million people use Presto every day. So we are very much into an operational phase.

What's unique about the Presto system is that it actually integrates across a number of transit agencies. Rob Prichard indicated there are 10 agencies here in the greater Toronto and Hamilton area—we have Ottawa, as well. It's very unique to have a fare card system that operates across that breadth of geography and institutions in terms of the delivery of its services. Presto, and every other smart card-based application in the world, in essence takes an existing system that a company has to offer—in this case the offering was from the company Accenture—and adapts it to the unique requirements of the geography and the community they're implementing the system in.

In the case of Presto, its foundations are in the Netherlands-based smart card system. It was brought to our environment by Accenture and adapted to our needs. Other companies do exactly the same thing. So, whether it's ACS or any other service provider that provides smart card-based systems, they basically take their product and use it as a foundation, and then they adapt it to the needs of the particular community they're serving. Each one of these communities has different business requirements, different geography, a different number of transit systems and requirements for integration, and different scopes, and all of that basically requires that adaptation to make it meet the needs of that particular community.

There is no off-the-shelf system you can take, plug in and expect will play in terms of delivering a service. There is a significant degree of customization and adaptation that's required for all of these systems to make them work in any particular community.

Mr. Robert Prichard: I think those last three sentences were the short answer to your question, that there is no off-the-shelf, buy that and it will work in the region or in the system. Every one of them is a software base that then gets adapted and customized to the needs of the particular transit system or, in our case, the 10 transit systems that are using the system, and accommo-

date the different fare structures and the like. As you know, GO Transit has fare by distance; the municipal transit agencies have a single fare. The card has to accommodate both of those. That wouldn't be true in another place that had only one way of measuring fares. In all cases, the core system has to be adapted to the needs of the customer, which is the transit agency.

Mr. Jeff Yurek: Now, with regard to the off-the-shelf type of product or different competitors, the Auditor General's report last year noted that the TTC was in negotiations with a company outside of Presto which pretty much was going to offer a superior system with regard to the card system and adapt to the current Presto system in place. However, Metrolinx and the Ministry of Transportation pulled the old, "We're going to hold funding for other projects going on unless you adopt the Presto system."

My question is, is there talk at all at the Ministry of Transportation or Metrolinx with regard to the Waterloo system, basically coming out towards them—"We're going to withhold your gas tax money unless you climb on board the Presto system"?

Mr. Bruce McCuaig: I cannot speak for the Ministry of Transportation, but I'm not aware of any indication in terms of having a discussion with Waterloo in terms of their provincial gas tax funds. In terms of the TTC in the city of Toronto, in the end the TTC chose to adopt Presto as their fare solution.

Mr. Rosario Marchese: They had to; they had no choice.

Mr. Bruce McCuaig: They have been our partner in terms of developing this system. The TTC have been with us since the initial deployment of Presto with the 14 subway stations that represent actually 21,000 users each and every day who are on the TTC and who are using the Presto system.

We think it's important to have a regional solution given that people are travelling across the region each and every day, and that Presto is a unique solution in that it provides that opportunity for customers to use the same card on multiple systems. We are not aware of how the original TTC plan would have addressed or accommodated that need for people to use the same card on multiple systems.

Mr. Jeff Yurek: Yes, I wouldn't say the TTC came happily. I think it was more of a forced marriage with the fact that "You're going to withhold my funding for the gas tax and/or increased purchases of rail cars and such."

Mr. Rosario Marchese: Dragging and kicking—

Mr. Jeff Yurek: Sure. And I'm not going far on a limb saying that it might happen to Waterloo considering that Ottawa, too, had the gun to their head, saying that they'd have to go with the Presto system in order to retain their gas tax money. Any comment on the Ottawa situation as well?

Mr. Bruce McCuaig: Well, again, our approach at Metrolinx has been to develop a partnership with the communities that we work with. Our arrangement with Ottawa is a partnership. We are a service provider to

them. We are providing basically a service that we have to meet their requirements. That requires us to have very much a long-term working relationship. From our perspective, it would not be conducive to building that kind of a system if we were not giving people, organizations or communities choices. In the case of Ottawa, as far as I know, it was the city of Ottawa's choice to join the Presto system.

Mr. Robert Prichard: To be clear, Metrolinx has no authority over conditions on municipalities receiving gas taxes. Metrolinx does not put conditions on funding announcements; they're not ours. We're an agency of the government implementing the plans and implementing the mandate that we have, but these matters, I think, to the extent they're matters of conditions being put on funds, are better put to the Minister of Transportation rather than ourselves.

The Vice-Chair (Mr. Rick Bartolucci): One minute left, Jeff.

Mr. Douglas C. Holyday: I have one question.

The Vice-Chair (Mr. Rick Bartolucci): Doug Holyday?

Mr. Douglas C. Holyday: I appreciate that there's a lot going on here, but I'm just wondering when we could expect to see the first subway station open?

Mr. Bruce McCuaig: In terms of the Toronto-York-Spadina subway extension?

Mr. Douglas C. Holyday: Whatever.

0900

Mr. Bruce McCuaig: That project is under construction as we speak. It's the first time a Toronto subway is crossing a municipal boundary into another community, so it's actually a significant moment in time in terms of building that integrated regional system. That extension will open in 2016 and will provide service to York University and onwards to Vaughan Metropolitan Centre.

Mr. Douglas C. Holyday: Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Thank you, the members of the official opposition. We'll now move to the third party. Who's going to begin the questioning? Rosario Marchese?

Mr. Rosario Marchese: Good morning to you both.

Mr. Bruce McCuaig: Thank you.

Mr. Rosario Marchese: I want to ask some questions about how often the board meets, because that's of particular interest to some people.

Mr. Robert Prichard: The board of directors has six meetings—that is, one every two months—that are fixed a year in advance as dates. Then, in addition to that, we meet as frequently as necessary to deal with issues that are more time-sensitive or that require repeated meetings of the board. For example, in releasing the investment strategy on May 27, I think it was, we met that day, of course, but we had met two or three times in the six weeks before that, as we were refining the report.

The six meetings are made up of two different kinds of meetings. There are four quarterly meetings; that is, each quarter, we have a meeting, with a public and a closed session of the board. At that, we receive the financial

report and we do the quarterly work, if you will, comparable to a normal agenda.

The other two meetings: We do a meeting each spring on strategy for the year ahead, and in the fall, we do a meeting all day, dedicated to goals and objectives for the year.

Mr. Rosario Marchese: But given the complexity and the amount of work you do, does it seem to you like six meetings is enough? My sense is that you should be meeting monthly. I know that you can meet when needed, beyond those six meetings that you plan. But it seems that you meet rarely. Why is it that you only have six meetings a year?

Mr. Robert Prichard: I want to stress, we meet as frequently as we need to—

Mr. Rosario Marchese: I understand that, but—

Mr. Robert Prichard: —to do the business, so we probably have of the order—in a normal year, we probably end up having about 10 meetings, because of the additional meetings that we hold.

Mr. Rosario Marchese: But my point is, if you feel you need to meet because there are additional meetings you have to have, why wouldn't you just schedule monthly meetings? It seems to me that your workload that you have requires you to meet on a regular basis, and I just don't get why you're meeting so irregularly.

Mr. Robert Prichard: To be clear, we meet regularly—

Mr. Rosario Marchese: I got you.

Mr. Robert Prichard: —on a schedule laid out two years in advance. But on—

Mr. Rosario Marchese: I already got that.

Mr. Robert Prichard: —why we don't meet more frequently, I think it's a fair question of what is the most effective governance. The model we have chosen is analogous to the way most corporate boards of directors meet, which is typically six times a year. It's normally quarterly meetings.

Mr. Rosario Marchese: Right.

Mr. Robert Prichard: The objective is to have an appropriate relationship between the board and management.

Mr. Rosario Marchese: I understand.

Mr. Robert Prichard: In the case of management, we think we should empower our management, led by Bruce and an exceptional team of people, and we think they should focus on doing their jobs within mandates provided by the board.

Mr. Rosario Marchese: I got you. Thank you.

Mr. Robert Prichard: We think six times a year is sufficient to provide that framework.

Mr. Rosario Marchese: I got the idea, Robert. It's not like a typical board. There's a lot of work to be done. My point is that I think you should be meeting more frequently. But if you think that you have a good schedule and it all works fine, God bless.

Mr. Robert Prichard: It is a vision that says that management is accountable for doing the work of the agency within the guidelines, directions, objectives and

authorities set by the board. We think the current set of meetings—

Mr. Rosario Marchese: Works.

Mr. Robert Prichard: —meets that, but we also call a meeting whenever there's an issue—

Mr. Rosario Marchese: When necessary; I know. You're repeating that. I got you, Robert. Thank you so much.

Of those meetings, how many are open to the public and how many are private?

Mr. Robert Prichard: The four quarterly meetings have a public component of the meeting, and then we go in camera to deal with commercial matters: a contract approval or whatever. Those are the four that are open to the public.

In addition, at some of our special meetings we also have a public session, depending on the subject. We're obliged by statute to do certain things in public, and of course we do all of those in public. Then we do a wide range of other matters in public.

Mr. Rosario Marchese: I know that Paul Bedford, in his comments, when he wasn't reappointed, made some public comments that he was thinking that more of your meetings should be more and more public as opposed to private. What do you think about that?

Mr. Robert Prichard: I agree with the following statement: Everything we can reasonably do in public, we should do in public. We should have a presumption that we will do our work in public, not in private, and we should reserve the private for dealing with matters that are typically commercially sensitive. We've only been at this board for four and a half years, and I think if you were to look at our agendas today versus four and a half years ago, you would see a steady evolution to doing more and more in public. I think Paul's advocacy was part of moving us in the right direction as we found our footing.

Mr. Rosario Marchese: So you've got four quarterly meetings, and much of that is public, except when you go into private, but the other two are private?

Mr. Robert Prichard: Correct.

Mr. Rosario Marchese: I happen to agree with Paul, by the way. I think the more transparent we are, the more the public will trust you. The problem with private meetings is that you lose the trust of the public that is supposed to believe in what you're doing. The more you do in private, the more you lose the trust not just of politicians but also the general public, and that's a problem for you.

Mr. Robert Prichard: I agree with you.

Mr. Rosario Marchese: Speaking about trust, transparency and image, I want to touch as quickly as I can on some of your advertising issues that we have talked about with a Toronto Sun journalist. How many advertising projects has Metrolinx paid for without getting administrative sign-off? With TIFF, the Buffalo Bills and Rogers, there was no sign-off. For how many, in total, was there no administrative sign-off?

Mr. Bruce McCuaig: My apologies. When you said "advertising campaigns"—all of our advertising cam-

paings have appropriate sign-offs. I think the question you're raising is related to the sponsorship program, where we partner—and GO Transit has partnered for about 25 years—with various agencies in terms of supporting an increase in transit ridership. In that particular case, we've had about two or three of the contracts where, while they had been endorsed in principle, the actual contractual documents did not have all the signatures on them. In one case, it was because of an absence of a signature on our part. In other cases, it was because our partners did not have a signature on that.

Mr. Rosario Marchese: So of these sponsorship programs, in total, there were two or three. We only know of two. Is there a third? Is there a fourth? Is there a fifth? Just two or three?

Mr. Bruce McCuaig: That's correct.

Mr. Rosario Marchese: So what's the third?

Mr. Bruce McCuaig: Reported, I believe, is the experience with the Royal Ontario Museum, where we had a partnership with them where we advertised on our pixel boards, for example, "Use GO to get to" a feature program that they were offering. There was no money that exchanged hands between the authorities or the agencies. But in that case, the Royal Ontario Museum had not signed off on the contract.

Mr. Rosario Marchese: So that's the third?

Mr. Bruce McCuaig: That's right.

Mr. Rosario Marchese: Nothing else?

Mr. Bruce McCuaig: That's right.

Mr. Rosario Marchese: So how much money has been spent on the sponsorship arrangements? Do you have a number in your head by any chance?

Mr. Bruce McCuaig: The only example where we've had any money that exchanged hands from GO Transit or Metrolinx to the actual agency is in the case of the Toronto International Film Festival. In that case, it was \$30,000. The purpose of that sponsorship was, first, to try to support a new program of TIFF, which was in terms of inviting and involving and engaging young people in the festival. From our perspective, we wanted to test to see if making an investment of \$30,000 would offset and support ridership growth from new markets that are not currently using our GO services.

Mr. Rosario Marchese: So that, you would say, is the goal of Metrolinx advertising projects, what you just said, basically?

Mr. Bruce McCuaig: Yes. For example, we've had, for over 20 years, a sponsorship arrangement with the Canadian National Exhibition. As you can imagine, ridership on the GO Transit system to the CNE is a significant way to reduce congestion and also to bring people who are occasional users of transit into the system on a longer-term basis. No money changes hands in those kinds of arrangements.

Mr. Rosario Marchese: No, I understand.

Mr. Bruce McCuaig: The only money that changes hands is, we actually get a commission for the sales that we make at our GO Transit stations of CNE admissions—we're allowed to keep a portion of that—and

of course we have significant increased ridership during the CNE period.

0910

Mr. Rosario Marchese: So when you advertised with the Royal Ontario Museum and TIFF and so on, was Metrolinx actually advertising any service?

Mr. Bruce McCuaig: Basically what we are trying to communicate is, take GO Transit to these kinds of events. These events typically involve large numbers of people who load up our transportation system. Basically what we're trying to communicate is take GO, for example, to the Toronto International Film Festival, in the case of TIFF, and most particularly, trying to engage with a part of the public that does not take transit currently.

Mr. Rosario Marchese: Bruce, when you were advertising with TIFF, what did the advertising say? Did it say, "Take Go Transit"?

Mr. Bruce McCuaig: I can't remember the specifics, but I believe the intention of the communication is to say, "Take GO to TIFF," those kinds of arrangements.

Mr. Rosario Marchese: For some reason, I don't think I saw that. The point is to advertise a service, but I'm not sure that we advertise a service. That's my point. Unless we advertise a service, then why are we advertising? What do you get out of it? That's my point.

Mr. Bruce McCuaig: Well, from our perspective, what we're trying to get out of it is increased ridership and reduced congestion and bringing new people into the realm of being a transit user. That's the objective. The vast majority of what we're offering as an agency is no cost to the agency. For example, we have pixel boards that we use to communicate to our customers. We use lines on that pixel board to communicate, "Take GO Transit to an event." We have our customer ambassadors who are making station announcements on our trains and interacting with customers, and we communicate to our customers, "You can take a GO Transit trip to go to the CNE," for example.

Mr. Robert Prichard: We did the same, I believe, this past weekend for the Santa Claus Parade and for the CFL eastern final. They were both advertised as special services from GO.

Mr. Rosario Marchese: You see, I don't know. The money you spend on TIFF—and I'm a big supporter of TIFF, but I'm not sure what value you got out of that, other than many of the staff getting tickets to go to TIFF. I'm not sure that's a useful thing for you to be doing.

Mr. Bruce McCuaig: To be clear, TIFF was a pilot. It was a test to see if making that kind of investment generated the kinds of benefits that would offset the investment. We concluded that it did not and we did not renew the arrangement the following year.

I think one of our obligations and responsibilities is to take measured and appropriate kinds of innovation and test it with the system to see how it could evolve and how it would work. Some of those tests, some of those innovations, work and some of them do not, and we accept that.

Mr. Rosario Marchese: So that would be—you're speaking to an update really on the compliance with the internal audit recommendations, so I'm assuming your last answer is part of how you responded to the audit. Do you have an update other than—

Mr. Bruce McCuaig: Outside of the audit process we evaluated whether or not the TIFF program provided value for money in the end for the organization and for our objectives. We came to the conclusion that it did not and we did not renew the arrangement.

Separately from that process, we also initiated an audit process, given the circumstances that came to my knowledge in terms of how we managed the tickets we received from the TIFF process. We received those audit results and we implemented and addressed those issues.

The Vice-Chair (Mr. Rick Bartolucci): One minute, Rosario.

Mr. Rosario Marchese: My God. I was going to get into Presto—one minute.

Quickly: Recommendation 5 of the AG's report, in response to cost overruns at Presto, was that "all value-for-money considerations and an appropriate business-case justification should be completed and approved by Metrolinx's board and the Ministry of Transportation...." That was the recommendation. You responded only to say that independent advisers had conducted a value-for-money, a VFM. Actually, the VFM report by Metrolinx consultant Grant Thornton said that "the quantitative assessment of the value for money of the PNG change orders is considered inconclusive."

Why didn't Metrolinx impose the penalties it was allowed to when Accenture failed to make the one third of its performance targets?

Mr. Bruce McCuaig: One of the improvements that we needed to make with the Presto system we've been implementing is, how do we hold our service provider to account and make sure that there are consequences for underperformance in certain areas? When we were in the build and deployment stage of the program, the focus of all parties was to get the system up and running and in the hands, purses and wallets of customers. Now that we are in the GO Transit system and on the 905 bus companies, we're more in an operational phase. We've put in place measures to ensure that Accenture meets its obligations and that Accenture's service providers meet their obligations. That's an item that we've taken steps to implement.

The Vice-Chair (Mr. Rick Bartolucci): Thanks, Mr. McCuaig. We'll now move over to the government side. Kevin Flynn will begin the questioning.

Mr. Kevin Daniel Flynn: Thank you, Mr. Chair, and thank you for a very, very comprehensive presentation.

I represent a 905 riding. Our lifeline to the big city, of course, is our GO train and our GO bus service. Quite often, a lot of higher-profile projects seem to get the lion's share of the media attention. We're talking about—I don't have to name them; I think you know which ones they are. But I'm just wondering if you could outline, for places like Oakville, places like Mississauga, places in

the 905 and into the Hamilton area, what other projects you have currently under way that are going to make an impact on the lives of the people who live in those areas, who are, to be fair, currently undergoing some pretty long commute times these days. They'd like to see some practical relief to that. What other projects should we be talking about, perhaps?

Mr. Bruce McCuaig: Absolutely. There is a great range of projects that are being completed or are under way in different parts of the region. Probably our signature project over the last few months has been launching 30-minute service on the Lakeshore East and West rail corridors. I cannot tell you how many customers have approached us to thank us for increasing that level of service because of all the choices it gives them in terms of middle-of-the-day, evening and weekend service that they did not have before. That has been our largest single expansion of GO Transit since the system was launched in 1967. It was a significant increase, and flowed from the expansion of track, expansion of stations, more trains, more crew to operate those trains, and occurred over a number of years.

More granular in terms of improvements are things like parking structures, and the Oakville parking structure has recently opened. We're in the middle of building a parking structure in Clarkson. The parking structure at Erindale has opened. We're doing parking structures around the region, because we find that the number one driver of building ridership, after adding more train service, is providing more parking capacity. By increasing the supply of parking, we are able to incent more people to leave their car at the station and take the train into work.

But there are also other examples. Probably the signature example I would reference in the western part of the greater Toronto and Hamilton area is the Mississauga Transitway, which is under construction right now across Mississauga through Highway 403 and the Eglinton Avenue corridor to just south of the airport. That will provide a dedicated bus rapid transit line from one end of the city to the other for both GO bus services as well as Mississauga Transit services, and it will provide that reliability, convenience and comfort that I think the people want for the future.

There's a whole range of large projects as well as smaller projects that are under way across this region that are intended to provide more choice, more service and more convenience for the customers.

Mr. Kevin Daniel Flynn: Thank you, Bruce. The feedback I'm getting from my own constituents on the 30-minute service really mirrors what you've said, in that people are starting to look at the GO train more in line with the subway. Now, if you show up at the station, the train will be along eventually. It's not something you have to plan your day around—you know, the 7:43, because you won't get one till 8:43. Now people, I think, are a lot more inclined to use the GO train to go into the city or to come out of it, because they know the most they'll wait is about 25 minutes.

Have you seen increases in the ridership during the off-peak hours as well—during the midday, for example?

Mr. Bruce McCuaig: Absolutely. We've seen, with the introduction of the 30-minute Lakeshore service, an increase of ridership in the off-peak periods of about 32% across the Lakeshore corridor.

Mr. Kevin Daniel Flynn: That's in one year?

Mr. Bruce McCuaig: That's in a few months.

Mr. Kevin Daniel Flynn: That's incredible.

Mr. Bruce McCuaig: So it has been very, very well received by our customers. As a GO user myself, I get on a lot of those 30-minute trains that did not exist just a few months ago, and they are as crowded as the hourly service that we saw last year. So we're finding that the take-up of that service is very significant, and it really is just the example of, if you're working in downtown Toronto and you're going to an event in the evening, if you only have hourly service, you start watching your watch because you have to be very attentive to what the schedule is. If you have 30-minute service, the schedule is not as important. You can just go down to Union Station and you know that there's a train coming in the next, at the most, 30 minutes.

0920

Mr. Robert Prichard: Mr. Flynn, I think you put perfectly the ambition, which is to have that two-way, all-day GO service in all seven corridors. This is the first big step forward towards that vision.

A term that some use is "surface subways." When I take the subway from my home, I walk to the subway and I take the next train. I don't try to catch the 7:32; I just take the next train, and I know it's coming in a few minutes. If I miss one, I'm a little irritated as I'm running down the steps, but if I miss it, I know another one will come soon.

It's going to be a long time until we have that frequency of GO trains, but the vision for commuters in the entire GTHA is to provide that two-way, all-day service in the seven corridors. We think that makes a profound difference to the quality of life and the economic vitality of the region.

Mr. Kevin Daniel Flynn: I think a lot of people are surprised that, after Union Station, the second-largest station in the system is Oakville. People don't understand that often, the impact it has on our community.

One of the beautiful things about the system has been that we get a very high level of recovery of the costs of the system at the fare box. You've noticed that it's 80% system-wide. Does that break down between trains and buses? Because I think I remember hearing in the past that the trains actually operated at a much higher cost recovery level than 80%. Is that factual still?

Mr. Bruce McCuaig: It's very much dependent upon the individual route. We have some bus services that are very well used by our customers and have a very high cost recovery. But you're right: In the peak-period service, on the Lakeshore line, for example, our cost recovery is probably pretty close to 100 cents on the dollar. That gives us flexibility because, as I think every-

body on the committee could realize, when you introduce new services, there's a natural ramp-up period, and you actually have to subsidize new services a little bit as that ramp-up occurs. By having such high-performing services on places like the Lakeshore corridor and in peak-period service in the other corridors, we can use that to help offset some of the higher costs to introduce new services until it becomes a little bit more mature.

Mr. Robert Prichard: Just to be clear on the recovery—and we believe it is the highest in North America, so we're very proud of the number at 80%—that is of operating costs. That is not recovery of the capital cost of expanding the number of tracks, the new bridges. The major capital work we do is not recovered, and that comes from direct grants from the province and the federal government.

Mr. Kevin Daniel Flynn: But even so, as you state, it's exceptionally high.

Mr. Robert Prichard: It's an exceptional number. It's the envy across North America. GO Transit just this year won the North American transit system of the year award, the Oscar for transit systems. Again, we're immensely proud that our team at GO Transit received that award, the APTA award, this year. One of the reasons they received that is the very, very high recovery, which is unequalled anywhere in North America.

Mr. Kevin Daniel Flynn: Considering the system we inherited in 2003 and the phone calls that I got from constituents during those years, it is like night and day. People are very, very pleased. We used to have switches freezing and we didn't have adequate parking. Now there's more than adequate parking. The trains are running on time, I think—I don't know what the level is that you try to get, but you aim for a certain percentage of trains that run on time. Is that still in the 80% and 90%?

Mr. Bruce McCuaig: Yes. Our performance target that we've imposed on ourselves is to be on time 94% of the time. We are achieving, right now, 95%. That has been across the entire year. It doesn't matter whether it's a winter month or a summer month; we're achieving 95%.

Mr. Robert Prichard: What does "on time" mean?

Mr. Bruce McCuaig: "On time" basically means within five minutes of the scheduled arrival time.

Mr. Robert Prichard: It's a very demanding standard.

Mr. Bruce McCuaig: The other piece that we've implemented—and this is both a customer service measure as well as an incentive for our staff to continue to reach higher—is a fare guarantee, a service guarantee. If our service is late on the rail system by more than a specified period of time for reasons that are within our control, then we will provide a refund to those customers. Particularly if you've got a Presto card, the refund system is very, very straightforward.

That's another indication of our confidence, first of all, in terms of the kind of service we're providing, but also is a way to support and incent our staff to go even higher in terms of the kind of performance we have in the organization.

Mr. Kevin Daniel Flynn: Thank you. I'm going to pass it on to my colleague, Mr. Chair.

The Vice-Chair (Mr. Rick Bartolucci): Mitzie Hunter is next.

Ms. Mitzie Hunter: Thank you, Mr. Chair. Thank you both for your presentation and also for the comprehensive package that you provided.

Clearly, you've described how you've transformed a 20th-century train system into a 21st-century commuter service that is actually very much in demand.

I want to talk a little bit about your rapid transit investments. If you could explain, just in terms of why this is important for the vision of the region, for integrating the transit systems in the region. What is motivating this investment in rapid transit across the GTHA?

Mr. Bruce McCuaig: I think, in a word, it goes back to what Rob Prichard said in his presentation. It's about dealing with the very serious congestion challenges that we have across this region. It does not matter whether you're in Toronto or you're in a suburban area; we face and realize congestion each and every day. It impacts our quality of life in families, it impacts our economy, it impacts the quality of our environment.

The motivation to develop an integrated regional system is to address that and to also recognize the fact that we're a much more complicated city-regional area now. People no longer simply come from the suburban areas into downtown Toronto for their employment and back home at the end of the day. People are travelling to employment destinations across the region, and that means that we need to come up with a much more integrated system of not just carrying people to downtown Toronto but to service the individual who's living in Markham and working in Brampton, or from Hamilton coming into the area around the employment centre around Pearson International Airport. Integration and providing choices for those people is the motivation in terms of the Big Move and a big part of the strategy that's embedded in that plan.

When I outlined that conceptual map in my presentation, it was really all about connecting the dots, if I could use that phrase: connecting the dots of where people are living, where they're working, where they're going to school, so that people have choice, and we'll be able to get to those destinations and connect those dots as rapidly and efficiently as we possibly can.

That means that, in some cases, the solution is a subway solution. In other cases, the solution is bus rapid transit, light rail transit, heavy rail. We believe that it's important to match the solution to the population and employment demands along those corridors so that we're right-sizing the investment that we're making into the system and we're making an efficient use of the investment that we've been given to basically harness and to make on behalf of the people of this region.

Mr. Robert Prichard: If I could just supplement that: I agree with everything Bruce said, but I think it's worth remembering the origins of the Big Move, the plan itself. It was unanimously adopted by the board of directors of

the old Metrolinx, which was made up primarily of elected officials. It included the mayor of Mississauga. It included the chair of York region, the chair of Durham region, the mayor of Toronto, the chair of the TTC, from Toronto. It was elected officials who came together unanimously to embrace the Big Move plan with its \$50 billion of projects throughout the GTHA. It represented a consensus of the municipal political leadership of that time.

Our mandate is to implement those projects, to constantly update the priority on those projects, to refine the analysis around those projects. But the foundations of this were that unanimously adopted Big Move.

The Vice-Chair (Mr. Rick Bartolucci): One minute.

Ms. Mitzie Hunter: Can you talk about the circumstances surrounding the cancellation of the Scarborough light rail line and what is happening with that project today?

Mr. Robert Prichard: That's a complicated question. The Big Move contemplated, for Scarborough, the rebuilding of the current Scarborough RT, with an LRT using the same corridor and the same elevated route. That was the Big Move. That was then funded by the provincial funding announcement in 2009 to build that. We then moved forward with an agreement with the city of Toronto to build that, but as you know, city council, in May of this year, indicated that despite having entered into a master agreement to build that, it no longer wished to pursue that direction. That then led to a thorough debate provincially and municipally—and it also engaged the federal government—and in the course of that debate, Metrolinx's position remained that an LRT on the Scarborough RT route remained a good transit solution, measured by demand, a likely number of riders etc., and the cost, and the province maintained its commitment to spend \$1.48 billion to build that, which is the cost of building it.

0930

The Vice-Chair (Mr. Rick Bartolucci): Mr. Prichard, we'll have to cut you off. You may want to continue that in your next round of questioning.

We'll now begin the second round of questioning. We will begin with the official opposition, and this round has 10 minutes per party. Go ahead, Jeff.

Mr. Jeff Yurek: Thank you, Chair.

I just want to clarify a few points that came out last time. The Auditor General's report claims that the Presto system could cost \$700 million, and as of last March, \$360 million of this amount has been spent or paid. In your statement earlier, you said that only \$180 million to \$250 million has been spent. I'm just wondering, what are the differences in the Auditor General's numbers and the numbers that Metrolinx has?

Mr. Bruce McCuaig: I think the difference is, referenced in the Auditor General's comments, by the time it is fully implemented. What I was referencing is, how much have we spent on the various elements? So the \$186 million I believe I referenced for GO Transit and the 905 agencies represents that amount; \$40 million for

Ottawa represents that; \$255 million for the TTC deployment is the budget for that element. I think what the Auditor General is looking at is, in the totality, when fully deployed, what would be the capital cost of Presto? I think that's the reference to the \$700 million.

Mr. Jeff Yurek: Do you have an estimate of what the capital costs will be at the end of the day?

Mr. Bruce McCuaig: We're still working towards our budget, which we divulged to the Auditor General at the time, of that \$700-million capital cost.

Mr. Jeff Yurek: Now back to the Waterloo discussion we were having, when you were saying that you advised Waterloo to go to a tendered system because you were focused on Toronto. Is that what I understood?

Mr. Bruce McCuaig: Yes. Our focus right now is on Toronto and the deployment on the TTC. We indicated to them that we could not provide them with the kind of turnaround time that they required for their business requirements, and I think that then triggered their choice to go ahead with a competitive RFP process.

Mr. Jeff Yurek: Why did you offer to enter into a memorandum of understanding with Waterloo if you couldn't meet their timelines?

Mr. Bruce McCuaig: Are we talking about the memorandum of understanding for the light rail transit?

Mr. Jeff Yurek: For the Presto—

Mr. Bruce McCuaig: Sorry, I'm not directly familiar with that piece of information, but I can look into that and respond to you.

Interjection.

Mr. Jeff Yurek: Frank wants to jump in for a sec.

Mr. Bruce McCuaig: Sure.

Mr. Frank Klees: You're familiar with, I'm sure, the minutes from the region of Waterloo that dealt with the Presto file. Have you read those minutes?

Mr. Bruce McCuaig: Yes, I have.

Mr. Frank Klees: So you would know that those minutes very specifically speak to the fact that Metrolinx offered to enter into a memorandum of understanding with the region of Waterloo with regard to Presto. You refused to participate in a public tender, but you did offer to negotiate through a memorandum of understanding. Is that correct?

Mr. Bruce McCuaig: I think what we had indicated to Waterloo is that if they wished to deploy the Presto card as we have it in operation on GO Transit, the 905 agencies and Ottawa—and soon in Toronto—then here's what we could do in terms of delivering that, and we would be prepared to work with them on that front. I don't believe that we can meet their needs, their expectations, for a timeline. I think that then triggered their choice to go ahead with the RFP process.

Mr. Frank Klees: The staff report, with all respect, indicated very clearly that the region of Waterloo wanted Metrolinx to participate in a public tender. Metrolinx, according to the minutes, the staff report, said, "No, we do not participate in a public tender, but we will negotiate with you through a memorandum of understanding." According to the staff report, that took place, and accord-

ing to the staff report, the reason that they did not engage with Metrolinx was not because of a timing issue; it was because Metrolinx could not deliver on the technology that Waterloo wanted, namely, an open payment system.

My question to you here is this: What's interesting is that there are obviously competitors out there who have the ability to deliver the advanced-technology payment system that Waterloo wants to implement. That technology is obviously advanced beyond where Presto is. Further to Mr. Prichard's earlier remark, when Mr. Yurek asked if there are off-the-shelf systems that could be used, it's clear that there are. Even the core system for an open payment system is out there, which is what Waterloo is asking to receive bids on.

What's apparent is that the Presto card system is so far removed from the advanced technology that's available today, out there and available, that will be bidding into the Waterloo system. The next generation Presto is how far away, and how many millions of dollars away, from catching up to what is actually in the marketplace today? That's my question.

Mr. Bruce McCuaig: I think my understanding of the discussion with the region of Waterloo differs from the way you've just explained it, so I can't confirm your understanding—

Mr. Frank Klees: Well, just check the minutes of the staff report.

Mr. Bruce McCuaig: That's not my understanding of the discussion that we've had with the region of Waterloo. The Presto Next Generation, which has now been deployed in Ottawa, has the facility, the ability, to have a range of functionality which would include, as we implement, open payment where people can tap using a debit or credit card.

For example, we have tested and piloted, here in the Toronto marketplace, the ability to use credit or debit cards on the Presto system, and that was a successful pilot. We are working, as we deploy the system on the TTC—and then it will be the choice of municipalities who are our partners, around the region and in Ottawa, about what kind of functionality they would like for their particular community. If they wish to have a functionality that has an open-payment element to it, then our objective, our plan, is to provide that for them.

Mr. Frank Klees: But here's the issue: Presto is in the process of developing technology that is already available out there, and the reason we know that is that the city of Waterloo, or the region of Waterloo, is saying no to Metrolinx. You don't have the capacity to deliver what they want, and yet you're forcing municipalities across the province to take a technology that is light years behind what is available in the marketplace today. What we know is that you are continuing to pour multi-millions of dollars into the development of the Presto technology just to catch up to where competitors are in the marketplace.

The problem that we have here with that is that this rings very similar to the eHealth issue that we faced in this government, where the government continued to

pour multi-millions of dollars into the development of a technology, and it never did appear.

The question that I would have for you is, why is it that you continue to insist on pouring millions of dollars into the development of a technology when you could go to the marketplace, access that technology and combine it with Presto to deliver what it is that you want, that seamless system? We've heard from competitors that they could partner with Presto to deliver that and save you the multi-millions of development through Accenture that you're going to have to go through.

We know you've got problems in Ottawa. You know you've got problems throughout the entire system in terms of that card actually working. It's a flawed system. Why do you insist on continuing to force that card on municipalities? Why are you not open to partnering with existing technology companies that could actually accelerate the delivery of what you need for our transit system?

0940

The Vice-Chair (Mr. Rick Bartolucci): You have less than a minute to answer, Mr. Prichard.

Mr. Robert Prichard: With respect, I would like to say that an analogy to eHealth is unfair and misleading to the excellent work my colleagues have done with Presto. Presto has 900,000 users. Presto is in effect, is in all our systems, is working and has done over half a billion dollars of service. So some notion that this isn't working is simply inconsistent with the facts that we face.

Second, Metrolinx and Presto have used the private sector competitors and a competitive process to procure it in the first instance. We used private companies that bid to provide the readers, private companies to bid on this service and that service. So the notion that this is thousands of people working at Metrolinx, pouring into this, is not true. We contract and hold competitive processes.

Number three, I stand by my earlier statement: There is no off-the-shelf system available to meet the needs that Presto was obliged to meet for the 10 transit systems that make up the GTHA. Any bidder would have to adapt it to meet the special needs that we face. Accenture was chosen. We're working with Accenture. We have an operating system. We will continue to upgrade that system to meet the needs of our customers.

Waterloo is free to choose to go a different direction. I respect that decision they make. That's an entirely reasonable decision. We'll see what comes. We'll see what it costs. We'll see what the outcome is. To say they're starting a competitive process and to judge the end of it today, I think, is premature. We'll see how it turns out, and we'll see how we continue to upgrade the Presto system.

But we're proud of the work we have done with Presto. We're proud that we have an operating system that's being used by our customers, by our riders, not some theoretical system. We have a real system that works every day in greater Toronto and in Ottawa.

The Vice-Chair (Mr. Rick Bartolucci): Thank you very much, Mr. Prichard. We'll now move to the third party. Monique Taylor will begin the questioning.

Miss Monique Taylor: Thank you very much, Chair. Good morning and thank you for being here and for the presentation that you've put forward. I just have a couple of questions before I put it back over to my seatmate here.

Out of the Auditor General's report, I've seen that ownership of the Presto system was under negotiation and expected to be completed by October 2012. Has that been completed?

Mr. Robert Prichard: Yes.

Mr. Bruce McCuaig: Yes.

Miss Monique Taylor: We now own the system? They cannot just take it away after 10 years and all of the millions of dollars that we've spent into it?

Mr. Bruce McCuaig: We own the intellectual property for Presto, and we own the rights for that in Canada. Accenture owns the rights for that internationally. That was the choice that we made, because we did not feel that we would be able to market the system around the world.

Miss Monique Taylor: Okay, so come the next generation and the extra millions of dollars that are going to take us up to \$700 million, we will own the intellectual property and it cannot be taken away?

Mr. Bruce McCuaig: Correct, and we should also realize that the system, the actual software, is a relatively small component of the cost of the system. When you think of the thousands—literally, tens of thousands, in the case of the TTC—of readers and devices that are on buses, streetcars, subways and gateways, those are all hardware that's part of that \$700-million budget; that is not software.

Miss Monique Taylor: Okay. All right, thank you for that clarity.

I'm from Hamilton. I know that we're going to have a new GO station down off of James Street, but I'm told that that service will still only be morning and evening service. I know we were promised all-day GO service. We have a major congestion problem between Hamilton and Toronto on a regular basis. Some days it's two hours and some days it's two and a half, depending on the time of day, just from Hamilton to Toronto. I'm wondering, when will all-day GO service be implemented?

Mr. Bruce McCuaig: The plan right now is to have the new James Street North station open and operational in 2015, in time for the hosting of the Pan/Parapan American Games.

Miss Monique Taylor: Right.

Mr. Bruce McCuaig: The service at that time will be morning and evening as well as special-event service to carry people to and from events that will be held in the Hamilton area. We will continue to operate out of the Hamilton GO Centre as well.

Our plan is to move to full two-way all-day service to Hamilton. We actually operate on CN's corridor in that stretch; we do not own the corridor. We have to negotiate track time because it is also CN's main freight corridor.

We're in the process of working with CN about the additional infrastructure that needs to be provided to incrementally increase service.

Miss Monique Taylor: So we don't have a timeline on that yet?

Mr. Bruce McCuaig: Our objective will be to incrementally put that in place. I do not have a timeline for you in terms of when that additional infrastructure will be completed.

Miss Monique Taylor: Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Rosario Marchese.

Mr. Rosario Marchese: The Auditor General, in his report on page 220, said, "If the capital portion of the additional \$496 million expected to be incurred had been included in the analysis, Presto base and PNG combined would turn out to be one of the more expensive fare card systems in the world." I think that's pretty damning, no?

Mr. Bruce McCuaig: The Presto fare card system will be among the largest fare card systems in the world and one in a small cadre of fare card systems that work across multiple transit agencies. It is a unique system. When we look at that benchmark group, it is approximately the same value, the same price, of those kinds of systems as well. It's a matter of looking at the kinds of systems that are analogous, that are comparable, to Presto in terms of the size and in terms of the complexity of the system.

Mr. Rosario Marchese: I share some of the concerns the Conservative members have around Presto, I have to admit.

Can I ask you: Could we see the November 2012 agreement between Metrolinx and the TTC about Presto integration? Can we see it? Is it available? Is it public?

Mr. Bruce McCuaig: I will look into that. I believe it is available, but I'll go back and confirm that.

Mr. Rosario Marchese: Okay. So you'll send it to us if it's—either way, you'll let us know, through the Chair.

Mr. Bruce McCuaig: Absolutely. It's an agreement with the TTC. So if it's not already available, we'll have to talk to the TTC, given that they're our partner on it.

Mr. Rosario Marchese: Okay. Either way, please let the Chair know, and he'll pass it on to us.

Mr. Bruce McCuaig: Absolutely.

Mr. Rosario Marchese: Do you know how much Toronto will pay and how much the province will pay?

Mr. Bruce McCuaig: The arrangement for the program on the TTC is that we provide the capital investment and they repay us using the 5.25% of revenue that I mentioned earlier that will come back to Metrolinx and, therefore, to the province. We upfront, and over time they repay us through the percentage of the revenue that we collect through the Presto system.

Mr. Rosario Marchese: Okay. So there's no money attached; it's just a percentage based on usage and so on.

Mr. Robert Prichard: No; there's money both ways. We must pay for the implementation, and then the TTC pays us back over future years by a charge on all revenue that comes through the card.

Mr. Rosario Marchese: So what do you pay? Do we know that now? What is your portion?

Mr. Bruce McCuaig: We pay 100% of the upfront capital costs—

Mr. Rosario Marchese: And that is?

Mr. Bruce McCuaig: The current budget of that is \$255 billion—

Mr. Robert Prichard: Million.

Mr. Bruce McCuaig: —million; sorry. Then we recoup that through the service charge, in essence, that is placed upon all revenue that's collected through the Presto system. In a way, it's a managed service contract where we provide the service of the capital upfront and they pay us back.

Mr. Rosario Marchese: I'm going to try to get through some of these questions because there's so little time.

Your answer might be the same as the one relating to Hamilton. What is preventing Metrolinx from introducing more frequent all-day GO train services to places like Brampton?

Mr. Bruce McCuaig: In the case of Brampton, we're in the process right now of a \$1.2-billion investment in the Georgetown corridor. That will provide the foundational infrastructure in terms of tracks, signals, bridges—infrastructure that allows us to increase the level of service. When we complete that project in 2015, that will allow us to start to increase the level of service to Brampton.

Other corridors have similar constraints. We have a program, through our objective to move to two-way all-day service on all of our corridors, to increase track capacity, to increase signal systems and to increase the number of trains that we can provide on each corridor.

0950

Mr. Rosario Marchese: So when Metrolinx dropped all-day GO services to Brampton from the—you dropped it out of the next wave of projects. Is that correct?

Mr. Bruce McCuaig: No, that's not correct. We are, as I indicated, investing right now in the Georgetown corridor, and we are increasing the level of service to Bramalea. Then the question will be, how do we incrementally increase services beyond, and what additional infrastructure is required? Because it's not a single piece of infrastructure that allows you to get right out to Kitchener, for example. We're doing the infrastructure that allows us to get to Bramalea, and then it's a future decision about the infrastructure we need to get beyond Bramalea in terms of increased service.

Mr. Rosario Marchese: The reason why I'm asking these things is because, as we get ready to ask people to pony up \$2 billion and more, if we don't improve existing services, where people consider them to be so poor—they don't see why they should be paying extra money for an extra service when the current service is not there, available or good and/or poor. So unless we find a way—you find a way—to make sure that people are getting the service quickly, so they can see that the service works for them and that future investments will

work even better for them, people are not going to buy in. Do you—

Mr. Robert Prichard: We agree that it was essential to improve service on GO. As Mr. Flynn indicated, there has been a substantial improvement over the past 10 years by our colleagues in GO, and we think that does build a foundation for greater support, just like increasing service on Lakeshore—now everybody wants it, which I think is terrific. But it does take very significant capital investment to lay down more track, to put in place more bridges. It is physical constraints in the corridors that stand in our way.

Mr. Rosario Marchese: Okay, thank you. Can I ask you, when will the UP Express be electrified?

Mr. Bruce McCuaig: We are in the process of going through an environmental assessment for the proposed electrification of the Union Pearson Express. The objective is that once we have that approval in place, we then need to get funding for the electrification. We anticipate, once the funding and the environmental approvals are in place, it's about a three-year period to actually build the infrastructure.

The Vice-Chair (Mr. Rick Bartolucci): Thank you, Mr. McCuaig. Thank you, Mr. Marchese.

We'll now move over to the government side for 10 minutes of questions. Mitzie Hunter.

Ms. Mitzie Hunter: Thank you, Mr. McCuaig, and thank you for clarifying earlier that the government has maintained its commitment to rapid transit investment, \$1.4 billion to \$1.8 billion, for the Scarborough RT conversion.

Would you tell us who's responsible for the sunk costs associated with the city's decision to cancel the Scarborough LRT?

Mr. Robert Prichard: The city of Toronto.

Ms. Mitzie Hunter: The city of Toronto? Okay. There has been a lot of conversation around this particular line. However, there are many projects under way in Toronto and the GTHA, and there has been certainly a long history of investment in capital from the province. In fact, one of your charts really clearly demonstrates that since 2003, that investment has been steadily increasing. Can you talk about what this investment is doing and what are some of those projects that are being invested in?

Mr. Bruce McCuaig: Absolutely. There's no question—and I think Mr. Parker's information that he provided to the standing committee earlier on outlines the significant increase in capital investment in the cities' and the regions' transit and transportation systems.

The \$16-billion investment that's under way right now will touch and address some of the projects we've already talked about, whether it's the Toronto-York-Spadina subway extension to Vaughan Metropolitan Centre and to serve the thousands of students who go in and out of York University on a daily basis; and the York Viva bus rapid transit system east-west along Highway 7 in York region as well as north-south along Yonge Street

in York region, to again provide a level of service that has not been seen in York region.

The Mississauga Transitway that I talked about earlier on, as well as Union Station—people forget that Union Station is Canada's most important passenger transportation facility. It handles more people than any of our airports do. About 250,000 people use Union Station each and every day. We are tripling the capacity of the GO concourses. We're doubling the capacity of the subway station platforms. We're replacing the signalization system in the Union Station rail corridor and we're replacing the train shed roof. So Union Station, our national heritage feature, is being completely transformed at this point in time.

I've spoken to Eglinton Crosstown in terms of the kinds of services that will be provided through that project. In the future, we also have funding for the Finch West light rail transit line, which will extend from the extended Toronto-York-Spadina subway at Finch West over to the Humber River, which will connect priority communities to employment opportunities and it will connect to colleges. We also have the Sheppard East LRT going east along Sheppard through to the Morning-side area, which will, again, connect priority neighbourhoods with a high-order rapid transit service.

Through these and other projects, the whole idea is to try to go back to that Big Move objective of making rapid transit available to 81% of the population. These are the first steps to implement that aspiration. The next wave of projects that have yet to be funded will then move us further along that line of meeting that objective.

Ms. Mitzie Hunter: Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Laura Albanese.

Mrs. Laura Albanese: I had a question on electrification; I wanted to go back to that. As you know, in my riding, first of all, there's a lot of construction going on at this time. We do have two, if not three, of your major projects that are being implemented: the Eglinton Crosstown LRT—the boring machines were launched in York South-Weston; the expansion of the GO system on the Georgetown south line—or the Kitchener line, should I call it now?—and the Union Pearson Express.

Electrification has been something that my community has advocated for, for a long time, and something that I very much support, but there are some misconceptions as to when this can technically happen. We know there is the funding that is needed, but also technically—I have a letter I had written to you, Mr. McCuaig, asking you when it could first be possible to electrify. Right now we have calls, for example, to electrify now, and according to your answer, “now” is 2017. Is that correct?

Mr. Bruce McCuaig: That's correct.

Mrs. Laura Albanese: And why?

Mr. Bruce McCuaig: Just to confirm, Metrolinx supports electrification. In fact, when the board considered the electrification study of the entire GO network, it supported moving ahead with the electrification of the Lakeshore West, Lakeshore East and Georgetown corri-

dors, including the Union Pearson Express. We got approval from the province to initiate the planning for the electrification of the Union Pearson Express, and we've been undertaking that work through the environmental assessment process over the last couple of years.

Our objective is to complete that process in the next year, and then that sets us up for the decision to fund the project and then move ahead with the implementation. It's about a three-year construction period to put in place the infrastructure required for electrification.

If you can think of the corridor, that's going to continue to operate at the same time as you're installing overhead catenary, for example. At the same time, you're bringing power from the hydro corridors and transforming it down to the power requirement for trains. There's a fair bit of infrastructure that needs to be constructed, and that will take about a three-year period. We indicated that 2017 was the earliest that that could be achieved. Again, that's all subject to when we receive environmental assessment approval and when we receive the funding required to move ahead.

Mrs. Laura Albanese: So just to be clear—

Mr. Robert Prichard: So, 2014 to complete the environmental assessment, if we stay on course, and then a funding decision, and then add three years to go to market—have RFPs, have bidders—and complete the construction. If the environmental assessment is delayed, that pushes it out. If the funding weren't to be forthcoming, that would push it out. Then add three years, approximately, to do the actual construction.

Mrs. Laura Albanese: But in an ideal situation, if you finish the environmental assessment in 2014 and you add three years, the minimum time that this could occur in is 2017.

Mr. Robert Prichard: In 2017; exactly.

Mrs. Laura Albanese: Okay. The other thing I wanted to clear: There's an impression that in 2015, we'll have over 450, shy of 500, trains running on the corridor. In my understanding, that's not so.

Mr. Bruce McCuaig: The level of service that will be on the corridor in 2015 will be comprised of the Union Pearson Express trains that will be going back and forth, the existing Via service that's using the corridor, and the

existing freight service, and we will be increasing the level of GO service, but it's not at the fully mature level that will ultimately come out of what we call the "full build" in the later years. It is not the full amount of train travel in 2015.

At the same time, we're taking steps to make sure that all the infrastructure we're putting in place does a few things: that we're planning and building for future potential electrification. All the height clearances have been provided on the structures, for example; we're grounding all the stations so that when we electrify, it has already been done ahead of time. So we're trying to be prudent in making those investments.

We're also investing, in the Union Pearson Express, in tier 4 locomotives in terms of making sure that the emissions from those units are very low. In fact, the air quality that will be emitted from the rail corridor in 2015 will be lower than the historical air quality emitted from the corridor. We're also becoming the first transit agency that is moving towards the retrofit of our existing locomotive stock to tier 4 standards.

We're trying to do as much as we can to prepare for electrification and, at the same time, reduce the impact of our services on the community.

Mrs. Laura Albanese: Could you clarify between trips and trains?

Mr. Bruce McCuaig: I can. I don't have those numbers in front of me, but I can provide that information to you.

Mrs. Laura Albanese: Yes, could you please provide that to the committee?

The Vice-Chair (Mr. Rick Bartolucci): Great. Thank you very much.

This brings our time to a close. I, first of all, want to thank Mr. Prichard and Mr. McCuaig for a very, very good presentation. The openness of the answers was very good as well.

We will reassemble on Tuesday, November 26, to begin the selections of the official opposition. When they're finished, we'll move to the selections of the third party and, finally, the government.

Thanks very much. This meeting is adjourned.

The committee adjourned at 1002.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 26 November 2013

Journal des débats (Hansard)

Mardi 26 novembre 2013

Standing Committee on Government Agencies

Agency review: Metrolinx

Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux : Metrolinx



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 26 November 2013

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 26 novembre 2013

*The committee met at 0839 in committee room 1.*AGENCY REVIEW: METROLINX
XEROX CANADA LTD.

The Chair (Mr. Lorenzo Berardinetti): Good morning, everybody. Again, we're meeting here. It's the Standing Committee on Government Agencies. I want to welcome and thank Xerox Canada for being here.

Before we start, just a few words: The stakeholders here have up to 30 minutes for their presentation. Afterwards, there's 75 minutes of questions. We'll have a rotation of, first, 15 minutes per party and then, after that, 10 minutes per party.

If you want to start, go ahead—

Mr. Rosario Marchese: Mr. Chair, a quick comment.

The Chair (Mr. Lorenzo Berardinetti): Yes.

Mr. Rosario Marchese: If I could urge everybody to articulate and speak up in this room, because sound is muffled, and for people like me, it gets difficult. So articulate loudly.

Mr. Rick Bartolucci: And project. Right, Rosario? Project.

The Chair (Mr. Lorenzo Berardinetti): Okay, so project as best as possible.

Welcome again to Xerox Canada, and you can begin your presentation.

Mr. Emechete Onuoha: Good morning. Thank you, Mr. Chair, honourable committee members. It's a privilege for us to be provided the opportunity. I'd like to thank you for inviting my colleague and me to appear before your committee on behalf of Xerox Corp. My name is Emechete Onuoha, and I'm vice-president of Xerox Canada, responsible for customer experience, environmental sustainability and global government affairs in Canada.

I'm accompanied by one of our global subject matter experts, Mr. Sandy Weinberg, who is our vice-president responsible for fare collection policy and operations in North America. He'll be able to provide some detailed technical insights relevant to systemic public transit issues related to fare collection.

We understand that the transport portfolio agency is the focus of your current review. We're happy to co-operate by providing testimony today. Our testimony will be divided into three general sections, beginning with a general background on Xerox Corp. operations in Canada

and worldwide, a background brief on the Xerox transportation solutions group, and concluding with some key strategic operating and architectural considerations associated with public transit fare collection in Ontario with respect to Metrolinx and relevant municipal transit agencies such as the Toronto Transit Commission.

Just by way of a little bit of background with respect to Xerox at a glance, Xerox Corp. worldwide is a \$22.3-billion enterprise established in 1906 and has been operating in Canada since 1953. We employ roughly 140,000 individuals, operating, as we do, in roughly 164 countries around the world. We have five primary research and development facilities: in the United States; in Grenoble, France; as well as a joint lab with Fuji Xerox in Japan. We also have a centre in India which was recently installed, last year. Of course, the fifth and most significant from our perspective is the research and development lab right here in Canada, actually about 20 minutes away from where we're sitting.

We're a leader in business process and document management. Some of what you may know Xerox to be famous for is actually a smaller part of our business in the current context. For example, last year we were responsible for handling over \$421 billion worth of accounts payable. We manage benefits for over 11 million employees around the world. We are responsible for processing 900 million insurance claims every year. Roughly 1.6 million customer service calls are answered by Xerox individuals. And \$37 billion worth of transit fares were collected by Xerox. This is in our burgeoning services and business process outsourcing operations.

Right here in Canada, just by way of further background and relevance to Canada, Ontario is, and has always been, of strategic importance to us. We employ roughly 1,800 people in this province. Under the leadership of Xerox Canada CEO Mandy Shapansky, Xerox Canada is actually considered to be one of the single-highest-performing operating companies in the Xerox world. Furthermore, we currently sit as one of the top 100 employers in Canada.

We have an established world-class R&D centre, as I mentioned, which received the coveted 2012 Green Chemistry Award from this province's Minister of the Environment in collaboration with the Chemical Institute of Canada for outstanding achievement in research and engineering. The Xerox Research Centre of Canada has a global materials research mandate and generates roughly

170 patentable ideas every year. That's roughly three inventions a week. It's one of the single most productive knowledge platforms we have in the world.

We have attracted some of the world's top materials scientists from 35 countries around the world who now work, live and pay taxes here in Ontario. The XRCC also hires 42 high-potential university co-op students, mostly recruited from Ontario university science programs.

Xerox Corp. is also one of the top 100 spenders on research and development in Canada across all industries. At the moment, nearly all of our foreign direct innovation investments come to your province.

We're also proud of our advanced manufacturing plant in Oakville and our supplies development centre in Mississauga.

Every digital imaging hardware device that my company offers up anywhere in the world contains intellectual property that was either invented or developed right here in Canada at the Xerox Research Centre. There is no other multinational corporation in our traditional competitive space in the world that can lay claim to that particular circumstance. We have a mutually beneficial record of achievement and an enduring commitment to growing Ontario's knowledge-based economy.

Having said that, here in Ontario our experience has been somewhat challenged in recent years. I have to say that we were surprised by the nature of the provincial government's intervention with the Toronto Transit Commission's transit fare collection procurement process in 2011, in a manner that ultimately resulted in Xerox being denied the opportunity to help the TTC meet their requirements of a much-needed, cost-effective, modern public transit revenue collection system. We were under the impression that Ontario was "open for business," but it appears, in this case, at least, that we may have been mistaken.

It is our understanding that in December 2012, roughly six months after Metrolinx postponed the long-awaited launch of its Presto system in the nation's capital, due to a costly system malfunction, Ontario's Auditor General identified major problems associated with the procurement approach taken by Metrolinx and vendor management associated with the Presto system.

Many of these observations were consistent with risks we identified internally in 2012, prior to the prototype system failure in Ottawa. Given our expertise in the field of advanced public transit revenue collection systems around the world, we are more than happy to share our insights and experience with the appropriate officials at the Ministry of Transportation here in Ontario, and Metrolinx, with respect to innovative public transit revenue collection and systemic risk mitigation.

At this point, I would like to ask my colleague Sandy Weinberg to provide further background to the committee from the perspective of Xerox Transportation Solutions.

Sandy?

Mr. Sanford Weinberg: Thank you, Eme.

Thank you very much. I do appreciate the invitation to appear before you today and share with you some of our experience in the fare-collection-specific world in terms of fare collection.

Very briefly, before I talk about Xerox, just to make my mother proud, I'll just tell you what my background has been. I've been involved with transportation, one way or the other, for probably about 25 years, and, the last 15 years, very focused on fare collection. I've been involved with Xerox—actually, with its predecessor, with Ascom, that turned into ACS, that turned into Xerox. I've been around the industry quite a long time and have seen the evolution in terms of fare collection and where it's going.

Very briefly, I did want to introduce a little bit of where Xerox's background is, in terms of transportation. We're involved in over 35 countries worldwide, delivering fare collection projects. The group that I'm particularly part of, and that delivers that, is our transportation and government solutions group. You can see on the slide up there that it's broken into several different main areas in terms of electronic toll collection, in which we process 1.4 billion electronic toll transactions every year, through our accounting, through our back office and management services.

For parking, we have parking solutions. Right here at the Toronto airport is one of our parking solutions. As well, we have a very innovative one that we just rolled out, about six or seven months ago now, in Los Angeles called LA Express Park, which provides dynamic pricing at every parking meter. There's a sensor by every parking meter, and the city can actually control, every 15 minutes, the price that's charged for the parking spot. It's connected to an app on your phone, so instead of circling the block looking for a parking spot, it can direct you to find where the spot is, or by pricing, direct you two blocks away if that makes more sense.

0850

So we're involved with a lot of electronic technology in that regard as well, but the one that we're here to talk about today, obviously, is fare collection. Our systems are in 400 active agencies around the world today. We process annually about 37 billion transactions to all those different agencies today as well. That comes out to about 100 million transactions per day. We have applications everywhere from Warsaw to Paris to Mexico City to New Jersey.

Certainly here in Canada, one of the first smart card platforms, in 1997, was in Gatineau, Quebec. It's a little-known fact, but they were actually one of the leaders. They were actually before Paris went live with their smart card Calypso platform. It's been a very successful one up there, integrating with OC Transpo before they decided to go with the Presto application. As a matter of fact, they upgraded their system back in March 2012, and our readers were Presto-certified in March 2012, which was a couple of months before the rollout in the rest of OC Transpo. So the technology is something we can handle, certainly no matter what the format is.

Probably the one that we're most proud of is actually right here in Canada as well, in Montreal. Back in about 2006, we kicked off the Montreal STM regional smart card platform that's referred to there as Opus. It's a card-based system that has been in operation there. It handles 17 different agencies and in terms of that, it maintains their business rules for each agency as well as across all agencies, and that includes their commuter rail line, the AMT. That's all managed up there.

We have four million cards in circulation handling 550 billion transactions annually, as well, with an accuracy level which is 99.99995% accurate in terms of the way the transactions are handled. I think you'll find, also, if you look at the four million cards, a lot of them are in use, and the cards are being used, not just sitting around. From that standpoint, hopefully that tells you where we're coming from in terms of being a leader in the industry for transit payment technology and where it's been going.

Let me talk a few minutes about the evolution, in terms of fare collection. Certainly in my 15 years—I don't go all the way back 110 years, but in the last 15 years, you see where fare collection has been evolving. You have coins and cash, obviously, the mainstay of any fare collection system. Tokens were very popular to get cash out of the system, but then the magnetic stripe ticket became very, very popular and was the mainstay for many, many, many years. Then you got into the proprietary type of card application, which would be your Presto card, your Opus card, which is in Montreal, and other cards around the world. That's where it's a proprietary technology that resides on the card to make the system work. It was, again, a real advancement in terms of fare collection because it got cash out of the system, which you want to do, and also provided security and provided information, but it was based on an offline technology—and we'll talk about that as well.

Then the evolution to open payment, and open payment is open standards, that is, using banking card standards to deliver your fare collection system—really, it's taking advantage of what has been developed globally for the commercial world and bringing it to transit. Basically, the goal that we as a vendor have, and you as an agency should have, is that you want vendor independence. You want flexibility and design, ease of integration and, most of all, you want something that's future-proof, so once you make that investment, you don't have to reinvest in the system—something that can evolve as the technology does evolve.

I've used the term "open payment" several times, so if I could, I'll just give you a quick tutorial on what we talk about in terms of open payment and what does it mean. Basically, there are two main characteristics to open payments. One is an open standard. That means that the standard is publicly available and has various rights that are associated with it. It's established by the financial industry. You may have heard the term "PCI-compliant"; that's the payment card industry standard for security and how the card and the transactions are handled. It's also

important that it's independently certified. Again, it takes a lot of that away. It's taking advantage of what's commercially available rather than bringing it to the agency. It also runs on the global payment network. So again, the communication network is what is established as if you were to go into any Tim Hortons or any store that accepts bank cards. It runs on the same platform that's out there.

What that means to your riders and to your consumers is that you have MasterCard PayPass, you have Visa payWave, you've got the American Express contact list, but most importantly for you here in Canada, you have the Interac Flash card. You have something very unique here with that Interac card. I don't know if you'll appreciate that, but right now, I'm told that nine out of 10 Canadians have an Interac card in their pocket today, which means if you go to an open-payment system, as we're talking about today, nine out of 10 of the Canadians, residents of Toronto or wherever, have a card that can ride the transit. They don't need a separate card. They don't need a proprietary card to ride transit.

So why is it so popular? With that as a background, why has this whole thing become so popular? Well, we were involved, back in 2006 and 2007, in the New York-New Jersey transit trial that has been referred to, where we partnered with MasterCard Citibank and tested and demonstrated open-payment technology with the New York MTA. We expanded that to cover the port authority, New Jersey Transit and the MTA, demonstrating that technology can work on a bus as well as on the platform.

Based on that you have deployments now going on in Chicago, Philadelphia and down on the Orlando SunRail, which is a commuter rail line, and to Daytona Beach and Orlando—Lynx—all of which are using open-payment technology in deploying. There are procurements under way today for New York City, Washington D.C., Portland, Dallas and, I think it's worth noting, Calgary and Edmonton; both have RFPs in development for open payment as we speak.

The other reason why that's so popular here in Canada is that you probably lead the world—I am told through my banking contacts—in terms of having contactless cards in circulation. MasterCard tells me that they have over 25 million PayPass cards in circulation right now in Canada; Visa, I don't know their numbers; and of course, the Interac card. So you have a lot of cards already in use. MasterCard also tells me that every year their transactions that they record using contactless technology are increasing. So that means that every store where you can now—well, you can see that, if you're not familiar with it. The next time you go to check out, look at the credit card reader and you'll see a payWave or PayPass logo on that, so rather than swiping your card you can tap.

So the difference from a very high-level architectural standpoint is that the ticketing approach, again, is a card-based system; that is, your Presto system or your Opus system. So that means that you have, on the end, a proprietary ticket and ticket format, whether that's a magnetic stripe or a contactless chip. That is the fare

media that takes place. On the other hand, you've got a back office that has all your business rules and account management, if there is any. That has to be downloaded in an offline fashion to the reader. So the transaction takes place in a read-write fashion in an offline transaction. That is the way Opus is; that is the way Presto is. That was the standard in terms of smart card technology.

However, there comes open payment. Open payment means that you can have, in terms of the card type or the media type—you can use anything that is bank-card-certified, meaning an ISO 14443 communication standard. That means you can use—really agnostic in terms of any card that's out there, agnostic in terms of any bank that issues it. As a matter of fact, it doesn't even need to be issued by a bank; if you have an ISO 14443 student ID card, it can be brought into the system. Most importantly for today's generation, it can accept NFC technology—near-field communication technology—on your smartphone.

0900

On the other side, the back office is where all your decisions are; that's where the management takes place. But it's an online transaction that we're talking about here, not offline. What does that mean? That means that at the reader, the only thing that reader does is capture an identifier from the card that's being presented, or the NFC chip on the phone that's being presented.

Because of that, one of the advances is that you can get a commercially available reader and put it out there in the field. You don't have to have proprietary technology on that reader. That means that any reader that is credit-card-certified can be part of your system. That's important in terms of a reload network and in terms of other access, bringing other services into the system, such as parking or anything else.

The other part that's important too is that it's real-time online transactions. That means that if I go online and I load some value to my account, that is instantly uploaded to that back office. I can walk out the door and tap on the bus, and my card is updated immediately. There is not the delay that the traditional systems do have. In the traditional card-based system, we're able to upload that system and say that if you auto-load, you can do that by the next business day, because of the way our communication and our network are set up. I understand from other systems that are around that it sometimes takes up to two to three days. That, I think, is a sign also to some communication.

As a reference, I'd like to play a short video. I've mentioned to you that we're in the process of deploying open-payment technology in Philadelphia. It's a project that we won after the TTC made the decision to go with Presto. We have the equipment deployed. We've started the final testing of it. The pilot test will start on the first of the year, and the big rollout will actually take place in April, in terms of the phase-out.

I think that, to describe open payment, I would like to use the words of our customer, SEPTA.

Do we have the sound?

Interjection: No audio?

Mr. Sanford Weinberg: No. It was working before.
Interjection.

Mr. Sanford Weinberg: Yes. We had it tested. It was working before.

Mr. Rosario Marchese: We're waiting for the technological side.

Mr. Sanford Weinberg: Let's go back to, I could say, the beginning of the tape, to roll back the tape, but that's the old technology. My kids would say you don't have tape anymore.

Mr. Emechete Onuoha: We wouldn't be a multinational IT firm if we didn't run into the occasional IT—

Mr. Sanford Weinberg: There we go. This was made by SEPTA.

Video presentation.

Mr. Sanford Weinberg: That is a commercial. Now, I should have prefaced it by saying that the reason why it's just "SEPTA card" is that they have not officially announced their name. They're branding it, so what's actually going to happen in SEPTA once they announce that name is, that card will be a co-branded card that has SEPTA's logo and MasterCard's logo on it. It is basically a pre-paid debit card that they'll be issuing. Now, that is for those customers that are either unbanked in the United States or those customers that do not want to use their credit card for transportation purposes. If the customer wants to use their Visa, their MasterCard, they can. They don't need a SEPTA card to do that transaction.

I think the important thing I wanted to point out here is that you'll notice that there was no proprietary card that they were talking about, that even the SEPTA card uses MasterCard banking standards to do it, and it's more than pay-as-you-go. A lot of times, people talk about, "Oh, we accept credit cards." This is not just accepting credit cards. This is taking your credit card and you can link it to an account and you get the full benefits of any transportation product that's out there. That means that if I'm a senior, I can register my card and I get senior fares. If I want to buy a 30-day pass, I can buy that pass and it sits on my account. We refer to it as pay-as-you-go, which it still can do; for someone who gets off the plane and wants to take SEPTA, they can do that, pay as you go, or they can register the card. I think that's something that's worth noting.

The other thing is, I do want to note that the system that we are deploying in SEPTA was the system that we would have delivered to Toronto Transit, TTC. They actually were a couple of months ahead in the procurement process of where SEPTA was, and the solution that SEPTA has is the same basic specifications that we had with Toronto. I just wanted to summarize for you what an open-payment platform looks like, and then also, in doing that, it really is what TTC was looking to install.

As Eme had mentioned, essentially what you see here was a result of a negotiated procurement by TTC that took place, that we participated in along with two other vendors. In March 2011, the commission had before them approval of that contract. I have to compliment the

TTC staff in that I think it was probably one of the best-run negotiated procurements I've ever been part of. They got everything ironed out ahead of time in terms of specifications in the contract. In fact, when we submitted our bid, that bid actually had the signature of our president committing us to the price, terms and specifications in that contract. There's no wriggle room afterwards, after it would have been accepted.

Essentially, real quick, it would handle all the business rules that TTC had, and that means—70% of TTC riders transfer, so you have a very complicated system in Toronto, and the back office would be able to handle that. It would accept all bank cards and, again very important, it would accept the Interac card, which is very important for Canada, and it had included the acceptance of Presto, because that was one of the basic requirements of the TTC. We are listed as a certified vendor of Presto, so our equipment and our back office were going to be able to deal with that.

Essentially, that offer was a guaranteed cost for 10 years. It also had 89 service-level agreements, performance standards that we had to adhere to. Those performance standards were time, availability, accuracy, those types of things—performance requirements.

Then, after the MOU was signed and the commission decided to go forward with Presto, they negotiated with Presto for some 18 months, and then after that, around December 2012, was when they actually signed the contract with Presto.

In conclusion, what I wanted to end with is that in November 2011, the commission passed a direction—at that time, Gary Webster was the general manager—asking Gary to talk to Metrolinx and asking Metrolinx to work with ACS at the time, now Xerox, to help make their Presto solution compatible with what TTC requirements were. We embarked upon—the last two years, we've had multiple meetings with Presto, some very involved, some in which we've spent six hours. We brought a technical team up to work with Presto right after the initial issues in Ottawa were coming out.

At this time, they haven't taken that offer of help, but we still stand ready, as Eme said, to certainly support Presto in any way we can, and we certainly would participate in any kind of procurement process that might be started.

With that note—

0910

The Chair (Mr. Lorenzo Berardinetti): Well, Xerox is pretty efficient, because you're right on the 30-minute mark in your presentation.

We're going to start with questioning. There are three parties here, and it will be 25 minutes per party. We'll go around, and we'll start first with the Conservative Party. Mr. Yurek.

Mr. Jeff Yurek: Thank you, Chair. Thank you, gentlemen, for coming in today. It's a pleasure to hear from you. I do have a list of questions here, but in your presentation, you had a chart showing the evolution of the technology, and you're saying Presto is at the closed-loop card.

Mr. Sanford Weinberg: Right.

Mr. Jeff Yurek: And you have the open standard already up and running. Are you at the vendor independence yet, or is that—

Mr. Sanford Weinberg: The open standard really is vendor independence, because open standard means you're using banking card standards. For example, when we did the project in New York, we didn't use Xerox equipment. We used VeriFone equipment, just to demonstrate the true openness of it. We were able to take VeriFone equipment, mount it on the bus, mount it on the gate, and it worked with the system. That gives vendor independence.

Mr. Jeff Yurek: With the program the government is developing with Metrolinx, the amount of money they're dumping into it—and they're not quite there yet. When they are up and running—they're only in a handful of TTC operations right now with the Presto card—when that's fully implemented, they're still going to be behind the eight ball with regard to the evolution of technology and where we should be at. Is that correct?

Mr. Sanford Weinberg: Again, I don't know what goes on in their planning in terms of their design. What I have seen, in terms of what has been demonstrated, is that it does still have a proprietary card that's part of their solution, and they accept the credit card as your pay-as-you-go. In other words, they would accept credit cards, but not if you wanted any transit benefit; you'd have to have a Presto card.

But, again, that's only what I've seen publicly. I don't know what's going on in the backroom.

Mr. Jeff Yurek: Okay. I'll get back to the TTC in a minute. I just wanted to clear up some questions I had from when Metrolinx was here in committee last week.

The chair claimed that the Presto system was one of a kind and there's no other system in the world like it. It could be true, I guess; I don't know. That's what they're saying. But in your opinion, how does the Presto system stack up against the systems that are already here? I mean, you've talked about many that you yourself have implemented. How do they stack up to one another?

Mr. Sanford Weinberg: I've heard the term “world-class” used for it. I've heard “industry-leading” and that attached to Presto. I kind of think of the term “world-class” as someone who says, “This is the world's best cup of coffee.” It's obviously very subjective. It's very much into a personal opinion of what's there.

I can point to systems like in Paris, which is the Calypso standard, which has been around for 10 or 12 years. That provides a very, very stable system that meets a lot of, for Paris, their regional needs. It actually meets the needs of about 35 different other agencies worldwide. I certainly would point to Montreal, I think, as a standard.

But I'd rather tell you, what makes, or what defines, a world-class type of institution? I think you have to say, does the system meet the needs of the agency?

The benchmarks for any system: Does it lower operating costs? Does it raise revenues? Those are two main things. Is it providable? Is it reliable in terms of the

data that's provided? Therefore, in the operational sense, the data and the reconciliation taking place, is that accurate? Can they count on it?

Can it be used for planning? Does it handle the business roles for the agency? In other words, can it handle all the transfers that need to take place? That's a very complicated part to it.

How does it handle moving between one commuter rail line and the bus? How does it handle moving between one agency and another agency?

Is the equipment reliable? The management tools—does it meet all the performance wants?

More importantly, what also makes up, in my mind, a world-class—what about the riders? You have to worry about the agency, but what about the riders? What about the users of the system? You have to have a system that's reliable for them, that's easy for them to use, that's accurate and that they have confidence in. If they feel that the value that they put onto this card is not secure, not accurate, then they're going to be less likely to use it and they'll go back to currency, because they know that currency has value.

One of the nice parts about it, going back to bank cards, is that if you have confidence in the banks and you have confidence in the card, you're more reliant on them than another agency.

So I think you really have to say, in terms of world-class, does it really meet the need of the agency? Like I said, Montreal, I feel, does; Paris does; those are a couple of the world-class ones that I would traditionally point to.

Mr. Jeff Yurek: You talked about your agreement with the TTC that you were working out. It was an open system that you had worked out with TTC?

Mr. Sanford Weinberg: Yes.

Mr. Jeff Yurek: And you had guaranteed costs for 10 years.

Mr. Sanford Weinberg: Yes.

Mr. Jeff Yurek: My concern is that Presto is already developing a second generation and has already committed to \$700 million without an end result yet, which the taxpayers are paying for, not just people in Toronto. The whole province is paying this amount of money. In your guaranteed ten years' cost, did you eclipse \$700 million that would be charged to the taxpayer?

Mr. Sanford Weinberg: No, we did not. In terms of the way that that system was priced out, we provided all the capital costs. We were going to design it, build it, operate it and charge 5.75% for every transaction. We would then recoup our investment over 10 years, but that price was guaranteed for 10 years. Therefore, from a TTC standpoint, their costs were never going to go up. Actually, if their revenue went up, the costs would go up, but there was even a cap. So if they went through the roof on ridership, there would still be a max that they would ever be exposed to in terms of revenue.

Just to give you a benchmark in terms of investment, if you look at what Montreal, the STM region, spent, that system was bought, paid for, installed and operational with around \$90 million. If you look at what we're instal-

ling in SEPTA today, which is a complete ground-up installation of equipment and bringing the open payment technology to Philadelphia, that price tag is \$120 million.

Without telling you what we would have budgeted to cost and capitalize the TTC, I think you can get an idea for what a system would cost from a competitive standpoint to provide a smart card platform or even an open-payment platform.

Mr. Emechete Onuoha: Just to add on to what my colleague has mentioned, the other consideration is risk, not just in terms of cap ex, but just in terms of operating risk. One of the considerations associated with the architecture and the offer that we were asked to provide to the Toronto Transit Commission was providing an assurance that we would eat the implications of operating risk. What I mean by that is, non-performance associated with the functionality of the system was actually something we had to commit to absorbing the cost of. In the most simple terms, if the system that we deployed actually were to fail, revenues at risk for the duration of the period of time that the public transit fare collection system was down would be the liability of Xerox. This was something we committed to in the context of that particular undertaking, again, to mitigate the risk to the taxpayer.

Mr. Sanford Weinberg: In terms of the risk, the reason why we feel comfortable in that is that we have developed the open-payment online technology so that we can authorize that transaction in the 500-millisecond range, the speed that you need in terms of transit. That technology is up, and we co-developed it with MasterCard. That's what we piloted and demonstrated in New York. That is a real risk manager, in terms of not being stuck with a credit card transaction and the security that needs to take place that you need right now. If you go to the store, they run it to make sure your card is authorized.

0920

A lot of that technology exists. The technology that we developed with MasterCard can be licensed by other vendors as well, so this is not—again, I want to stay away from anything that you think is too proprietary. MasterCard can license that and has licensed it to another company already, so it's something that's out there.

Mr. Jeff Yurek: Now, if the TTC had signed on and given you the contract, how soon would this system have been up and fully running through the TTC?

Mr. Sanford Weinberg: I would say it would be operational now, timing-wise. If you just look at what happened with SEPTA, it was signed in November or December 2011, and it's going operational now, so that's about, what, 18 months in terms of start-up. So it would probably be operational now.

Mr. Emechete Onuoha: And the SEPTA example, as Sandy mentioned, Mr. Yurek, in the case of the Southeastern Pennsylvania Transportation Authority, they actually weren't as far advanced as the TTC was at the time that the TTC had undertaken its procurement exercise.

Mr. Jeff Yurek: So what you've said so far is—I'm just trying to put this together here. We're offering an

open-source or open-platform technology which was up to date, taking all the risk, guaranteeing costs for 10 years, and the process would have been up and running by now, compared to a system that the government has set forth, which is that we don't have a product up and running across the whole area that needs to be covered. Their implementation date is 2016, from Mr. McCuaig's review, and we're probably going to have a technology that is going to be inferior to what should be put in place, and it's costing the taxpayer, to date, what is projected to be \$700 million, which is open-ended at the end. Does that sound like a good deal for the taxpayers of Ontario?

Mr. Emechete Onuoha: Well, Mr. Yurek, it's certainly not our place to determine, from a public policy standpoint, what's in the best interest of the taxpayers of Ontario. I leave that to you and your elected colleagues around the table. However, I can say that the cost structure and the business model associated with what we know to be true, based on publicly available information that's been provided to us, is somewhat irksome and certainly is inconsistent with the best practices that my company is familiar with in our global undertakings.

Mr. Jeff Yurek: Thank you.

The Chair (Mr. Lorenzo Berardinetti): You have about three minutes left; then I'm going to rotate around.

Mr. Jeff Yurek: Okay. I just want to finish up my questioning on this part.

I don't want it to sound like this is the first contract you've lost. I'm sure you've lost others. Can you tell us about other competitive processes that maybe you weren't successful on and how you've adapted and moved on?

Mr. Sanford Weinberg: In terms of fare collection, obviously we don't win them all in terms of that standpoint. We have lost traditional smart card deployments and those kinds of projects. We lost one a couple of years ago in Calgary that was a traditional smart card platform, although that may be coming back around because that company, Telvent, was in default and now they're calling for a bid again. So we've lost that; we've lost those kinds of contracts. SEPTA was obviously one that we won. We participated in Chicago's procurement process. At the very end, we did withdraw. We did not submit a bid because we felt the contract terms did not meet Xerox best business practices, from that standpoint. I'm not sure where—we have a list of where—obviously, we've won in other cities around the world and continue to win projects, but we realize we're not always going to win them all. But we do feel that when it comes to open payment, we have a very good solution that's as close as you can to off-the-shelf technology.

Mr. Frank Klees: Could I just borrow a couple of minutes?

The Chair (Mr. Lorenzo Berardinetti): Another minute.

Mr. Frank Klees: Just to follow up on this.

The Chair (Mr. Lorenzo Berardinetti): Okay.

Mr. Frank Klees: Just in follow-up to my colleague's question, have you ever experienced having signed a

contract, and been as far down the road with a client as you were with the TTC, and had a contract cancelled at that stage?

Mr. Sanford Weinberg: I can't say. At least in my experience in the fare collection world, no, I have never been through a negotiation where we agreed to all the terms, all those aspects of it, and, like I said, signed it. I've never had it not go through at that point.

The Chair (Mr. Lorenzo Berardinetti): We can come back to that, because we're going to have another round.

We'll go to the NDP. Mr. Marchese.

Mr. Rosario Marchese: Thank you both for your presentation. The problem with your presentation is that you answered most of our questions. That's a problem. You should have said less, so that we could ask more questions, and then you could have answered those.

But it does present the problem that some of us have been talking about for quite some time. The problem is that Toronto is one of the biggest customers in the whole GTA. They represent 80% of the whole system.

You were negotiating a deal with the TTC. I think most of the Liberal members will admit that the TTC has got a great deal of experience—they lack money, but I think they have a great deal of experience—to be able to manage their system. I recall the debate, with Giambrone as the chair, and obviously Mr. Webster was at its head.

You had, I'm assuming, multiple meetings with them, where you went through this presentation, and they were all persuaded by the system. Is that not correct? Were there any members of the TTC who disagreed with your presentation and what you had said, or were they all in favour of what you were proposing? I don't remember.

Mr. Sanford Weinberg: We certainly were not aware of anyone who was opposing it. From the staff, you mean?

Mr. Rosario Marchese: Staff—or what about the TTC members? You met with them all, right?

Mr. Sanford Weinberg: We met with them—no. Because of the procurement process, we did not meet with any of the commissioners ahead of time.

Mr. Rosario Marchese: Okay.

Mr. Sanford Weinberg: We did have an opportunity to meet with them after they elected to go to Presto. We asked, and the commission agreed to allow us to go around, so we were escorted by TTC staff—it was actually arranged by TTC staff for us to go around and meet with all the commissioners.

Really, with the exception of one commissioner, every one of them said they didn't understand why they didn't take this deal and why the deal didn't work.

But just to clarify the way the negotiated procurement went, it started—they came up with a short list of vendors, and they had parallel negotiation meetings with each one of the vendors on two topics: (1) the specifications; (2) the Ts and Cs. That's how we did it.

Mr. Emechete Onuoha: Mr. Marchese, if I may add—

Mr. Rosario Marchese: You'll probably get to it, through my questions. Otherwise, I will have very little to ask.

Mr. Emechete Onuoha: Okay.

Mr. Rosario Marchese: The problem was that, as Mr. Yurek just said, this system, the Presto system, is going to be one of the most expensive systems in the world, the Auditor General declares in his report, which I'm assuming you read.

Mr. Emechete Onuoha: Yes, sir.

Mr. Sanford Weinberg: Yes.

Mr. Rosario Marchese: So they have Presto. Because Toronto and Ottawa had not agreed to buy in, they came up with Presto Next Generation, which brings the cost up to \$700 million. We think that's an incredibly huge amount of money that has gone into a system which still is not fully implemented. I'm not sure whether that \$700 million is going to stay there or increase.

In your experience—and you don't have to be political, but just in your experience—\$700 million, as Mr. Yurek was saying, is a lot, and you could have done it for a much cheaper price. Did you tell us earlier how much your system might have cost, or not? More or less?

Mr. Sanford Weinberg: When we submitted the bid to Toronto, it was at 5.75%. The way the TTC bid was set up, it wasn't an amount; it was based on a transaction amount. So 5.75% was what our cost for a transaction was going to be. It was a minimum and a max. It would never go beyond the maximum, in terms of that.

Mr. Emechete Onuoha: With zero capital costs.

Mr. Sanford Weinberg: Zero capital costs, and they wouldn't start paying until the system went operational on that.

Mr. Rosario Marchese: No, I recall that, because as I read the report from the Auditor General, he was saying, at the time, "Under the terms of the agreement, the TTC would not have had to pay any capital costs up front"—

Interjection: Correct.

Mr. Rosario Marchese: —which is a big deal in my mind. "Instead, the vendor was willing to take a percentage of the revenues collected by the open-fare system."

0930

Mr. Emechete Onuoha: Right.

Mr. Rosario Marchese: "In its proposal to the TTC, the vendor had also agreed to make its system compatible with the existing Presto base system. The TTC abandoned this option after the province confirmed that provincial gas tax funding and provincial funding for the purchase of new streetcars and the rapid transit system on Eglinton Avenue would be contingent on the TTC signing on to Presto."

Then it moves on to the recommendation here in this report from the Auditor General, where it says, in the response of Metrolinx, "A comprehensive review of Presto Next Generation ... technology was undertaken by independent advisers"—whoever they might be—"who confirmed that the development of PNG"—Presto New Generation—"was fair and created value for money...."

Do you have an opinion on that? Again, try not to be political, of course. Just try to give an expert—

Mr. Emechete Onuoha: We do have a view. I'll defer to my colleague on that one.

Mr. Sanford Weinberg: I have seen that report. I've seen the survey. Given an opportunity, I would probably question some of the assumptions in the way the scoring happened on that report—

Mr. Emechete Onuoha: The other consideration—sorry, if I may interject, Mr. Marchese—

Mr. Rosario Marchese: Sure.

Mr. Emechete Onuoha: —is, that report which is referenced by the Auditor General was not a value-for-money audit. In order for the findings of that particular report to be compelling and directional with respect to an intelligent business model and critical assessment of risk, it would have had to have been subjected to a value-for-money audit. The language used to describe that particular report is fairly deliberate insofar as it does not purport to characterize said report as a value-for-money audit by the independent entity.

Mr. Rosario Marchese: I see. It's interesting, because the way it reads, it suggests that it was a value-for-money kind of a—

Mr. Emechete Onuoha: Audit.

Mr. Rosario Marchese: —audit.

Mr. Emechete Onuoha: Yes.

Mr. Rosario Marchese: It says here, "The VFM"—value for money—that's what it says here—"analysis identified concerns with retendering the work, including increased project costs and risks associated with the introduction of new vendors, increased project timelines and the loss of efficiency." Can you speak to any one of those items?

Mr. Emechete Onuoha: Sure. Just with respect to risk, which is something that we take very seriously in our company and associated with these projects, it presents the customer with a great deal of concern.

One of the issues is that the platform that was offered up by the system integrator was not necessarily an established platform. As my colleague Mr. Weinberg presented, the Atlas platform upon which the system that we offered to the TTC is based is an established technology versus a technology that, post-contract, we undertook significant construction and development work to actually achieve.

When you have a scenario such as that, the risks associated with vendor management, particularly if the primary integrator is not in possession of core key technology—the risks associated with managing a number of vendors goes up dramatically. As a result, with respect to the platform that the province, through the transit agency, Metrolinx, pursued, the risks associated with managing a new platform, developing technology that was not in the possession of the primary vendor in the first instance, as well as trying to do what some have described as herding cats associated with multiple vendors underneath the platform—this creates additional risk.

I'll yield to Mr. Weinberg for additional nuance.

Mr. Rosario Marchese: Just to pursue it, because what troubles me is, this whole affair started in 2006, and they're saying that this whole affair will probably be up and running in 2016. In your experience, does something like this take 10 years or possibly more? Should it take that long?

Mr. Sanford Weinberg: No. If you look at the original Presto solution, which was a good idea, and is a good idea, in terms of the technology that was available in 2006, which was a card-based system, which is why Montreal went with that system, which is why Paris is with that system, which is why Warsaw is with that kind of technology—it was good, and those are up and operational. It's unusual—the issues that Presto experienced, from my experience in the industry, are not typical. It's atypical, taking 10 years to get that platform going.

I think there are some reasons for it, and it's very obvious if you look at the qualifications of the different vendors that are involved. Some of our competitors could have got it up in the same kind of timeline that we would have, which is 18 months. Even for a very long one, two years or two and a half years for some real unique things would be a timeline that would be typical for that kind of system.

Mr. Rosario Marchese: And is it fair to say that the Presto technology is outdated at the present time or will be outdated soon? Is it a fair comment to make, or is it something that is still, as they said and as Mr. Yurek was quoting, a world-class, industry-leading fare system? Is it still a fair comment to maintain?

Mr. Sanford Weinberg: A card-based system is still a good system, it's still technology, but it would be the same thing as saying that VHS tapes are still good and CDs are still good. However, the generation that's going to be riding the bus doesn't want to use a CD; they want to download their music from Pandora or whatever website they're going to download it from.

Mr. Rosario Marchese: Right.

Mr. Sanford Weinberg: I think that's where it is, just because it's not bad technology, when it works, but the new technology—open payments—is really where the industry is going technology-wise. If you look at all the major procurements in the industry, they're all based on account-based open-payment technology.

Mr. Emechete Onuoha: This is indeed the future, but I would say that the future is already here, Mr. Marchese. It's just unevenly distributed.

Mr. Rosario Marchese: Yes, I agree. Thank you very much.

Mr. Chair, I don't know how much time there is, but maybe—

The Chair (Mr. Lorenzo Berardinetti): About two minutes. Under two minutes.

Mr. Rosario Marchese: Okay. I have different kinds of questions for the next round, so unless Monique has any questions, I'll come around.

Miss Monique Taylor: I don't have a lot of questions. I just would like some clarification on a few things.

When you were talking about the open-payment cards, you mentioned that the readers would be—I'm not sure. Did you say that when you use a Visa, the Visa would automatically be able to read if it was a senior's pass? How did that work?

Mr. Sanford Weinberg: The way that the system was designed is that you have the card reader, which is a bank-card-certified reader. The same one that's at Tim Hortons would be on the bus, technology-wise. It would read the account number. The account number is what is registered in the back office. Because it's online, in real time, it goes back to the back office and says, "Yes, this is a valid card," and they're able to board. It then will go to the account and say, "This account is linked to a senior citizen," or "This account has a 30-day pass on it."

Miss Monique Taylor: Okay. So I would have to register, say, my debit card, to register as such?

Mr. Sanford Weinberg: If you wanted. There are two things. One is, yes, if you wanted—and then that's a business role, but assuming they'd want you to register to take advantage of any transit benefits. Or you can have something which we call best fare, which would automatically, anonymously, give you a discount after, say, 10 rides. We did that in New York. If you rode 10 times in a week's period, you got a 10% discount. You can do some of that anonymously, but the agency, from a business standpoint, would want to get you to register.

Miss Monique Taylor: And a rider wouldn't even have to register for something like that. The back end would have just put on that promotion and it would have gone on as such.

Mr. Sanford Weinberg: Right.

Miss Monique Taylor: Quite interesting. It's a shame that we're not able to use that kind of thing and we have to actually go and purchase a card to be able to do that. I'm from Hamilton. You have to go directly to a certain area, which is only open at certain times of the day, to be able to purchase this card. To purchase it on a student pass or something like that, I hear of a lot of hindrance when folks come to Presto.

I'm also curious about risk absorption. I read in the Auditor General's report that there were quite a few costs for fixing problems that existed within the Presto system. So your system wouldn't have charged any of those costs?

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The Chair (Mr. Lorenzo Berardinetti): This will have to be the last answer.

Mr. Sanford Weinberg: We were not going to correct anything in Presto.

Miss Monique Taylor: No, no; I'm sorry. If there was a problem with your system, would we have been charged for those corrections, or were they part of—

Mr. Sanford Weinberg: No, they would be part—we would be responsible because performance change orders, those types of things, would probably be covered by the SLAs. We would have to meet that performance under the SLAs. I think that's what your question was.

Mr. Emechete Onuoha: It's a very good question that you're asking, Miss Taylor. If the change order that

was requested was outside of the scope of the contractual obligations we signed up to, then the cost would not necessarily be borne by us. But if the change order was issued in order to meet the pre-established and agreed-upon operating requirements, that's our risk.

The Chair (Mr. Lorenzo Berardinetti): We'll move on now to the Liberal Party. Again, there's 15 minutes for this round. Ms. Albanese.

Mrs. Laura Albanese: Thank you for being with us this morning and for your presentation. I also want to take a moment to thank you for considering Ontario one of the most important markets for your business and for growing our knowledge-based economy. That's very important in our province.

I wanted to start by asking you, if Xerox had implemented their system, then the residents all around Toronto—I'm thinking of Mississauga, Oshawa, Vaughan. There would have been two different cards in play. The convenience for the consumer and for the commuter would not have been ideal, wouldn't you think? I know you mentioned that you would have included the acceptance of Presto, but still, people would have had to deal with two cards.

Mr. Sanford Weinberg: Yes, there would still be two cards, but the ability to—the main thing you're questioning is how they would handle themselves going from one agency to the other, transferring from GO, perhaps, to TTC. TTC recognized that as their responsibility, to handle their customers—how they were going to handle that. We had a number of different provisions in the system that they had designed into the system, one of which, obviously, is accepting the Presto card. So you'd be able to use the Presto card going from GO Transit to TTC. You wouldn't need to use more than just your Presto card if you were a GO Transit rider using the system.

There are a couple of other scenarios that we worked through—the what-ifs—and we had contingencies based into the system that they wanted to meet that requirement.

So the answer to your question is, yes, if they were just running around in another area, the 905 area, they would still use GO Transit—the Presto card. If they were going to come in to the TTC, they could still use their Presto card. That was part of the requirements.

Mrs. Laura Albanese: If I've got this right, the owner of a Presto card would have been able to come into Toronto and use it on the TTC system, but if you had—well, you can't call it a SEPTA card, but a Xerox card, let's say—then you would have had to purchase the Presto card to go outside of Toronto?

Mr. Sanford Weinberg: Yes, because Brampton, York, Mississauga—if they were not on an open-payment system, then yes, whatever card you were using to ride the TTC would not be accepted on that—

Mrs. Laura Albanese: On the other system.

Mr. Emechete Onuoha: Just to clarify, Ms. Albanese, the offering and the solution that was proposed by Xerox to the Toronto Transit Commission did not

necessitate the creation of a new, dedicated card that would be branded under a separate name from Presto. In fact, what's worth noting is that the offering was actually intended, as we have described to the TTC and to Metrolinx subsequent to the termination of the procurement—the idea is to use the technology to actually make Presto work.

The utility of having an open architecture, which Mr. Weinberg mentioned, is that in a system such as that pursued by many of the transit agencies, whether it's Waterloo or other transit agencies, the benefit of having an open architecture is that an individual—for the sake of convenience, as you identified—who already has a payment media card, whether it's a credit card or a debit card, would be able to use that seamlessly throughout the systems that were on the open architecture.

I think the nuance there—I understand the logic of your question, but the nuance there is the potential misinterpretation that the offering that we were bringing forward necessitated the creation of a new, singularly situated payment card. That is not necessarily the case.

Mrs. Laura Albanese: Okay. Are you currently implementing an open-payment system on a large transit system the size of the GTHA?

Mr. Sanford Weinberg: SEPTA. SEPTA is Philadelphia; it's the sixth-largest transit agency. I think Toronto is right now the third in North America, behind New York and Mexico City, in terms of their ranking on where that list stands. So, yes, it's been implemented in SEPTA. One of our competitors is implementing it now in Chicago, and, a little bit smaller, down in Orlando, SunRail. And Daytona Beach is getting that platform right now, being implemented as we speak.

Mrs. Laura Albanese: And they're more or less the size of our region, let's say?

Mr. Sanford Weinberg: The Philadelphia one would certainly be up to that size. The Florida one, the SunRail one, has a lot of the same characteristics in that it's bus, it's commuter rail and it covers a geographic area from Daytona Beach to Orlando, kind of a geographic area—a multi-agency kind of thing.

New York City, which maybe by their definition is the largest and most important out there, are the ones who actually tested this technology and are the ones who now have a procurement that's under way.

Mrs. Laura Albanese: Why was there a delay between ACS, Xerox, getting the contract and the TTC cancelling the contract?

Mr. Sanford Weinberg: There wasn't any real delay. The procurement process started in August 2010. They down-selected to the three certified vendors in September. The negotiations, parallel, went on September to December. We submitted the final—we signed the master agreement; it was referred to in January, or maybe it was the first week of February. It was my understanding that the committee had done the final approval of it and it was supposed to go to the March commission for approval. So I don't know the delay there.

Once they decided—in March till May is when they were kind of internally debating the Presto offer back and

forth. Then in about the May time frame, I think the commission said, because of the finances involved, they were going to go to the Presto. From that point, it took 18 months for them to actually come up with the final agreement with the TTC.

Mrs. Laura Albanese: I think you mentioned that earlier as well. Xerox/ACS offered a no-money-down approach to the TTC, but you planned on recouping your costs through the back-end agreements. Am I correct about that?

Mr. Sanford Weinberg: Yes.

Mrs. Laura Albanese: What was the cost per transaction for the Xerox proposal for the TTC?

Mr. Sanford Weinberg: It was 5.75%.

Mrs. Laura Albanese: So 5.75%.

Mr. Sanford Weinberg: Again, that model was specified by the TTC. The way that they wanted it, that's how we priced it; that's how we submitted it. They didn't want any capital investment on their part. They wanted us to handle the capital and the risk.

Mr. Emechete Onuoha: The other issue from an operating standpoint, Ms. Albanese, is that the idea, the conceptual framework, was such that my company would get paid based on performance of the system. So, basically, if we kept up our end of the bargain and delivered the system that the agency wanted without flaws, without catastrophic failure, we would get paid as a function, again, of performance, which is a compelling risk mitigator in terms of operation.

0950

Mr. Sanford Weinberg: In terms of the cost too, I should mention that Presto, I believe, is at 5.25%. That 5.25% came—their cost, their offer came after ours was public knowledge. They did not participate in the procurement process. Our offer was already public knowledge at that point, because it was being processed.

Mrs. Laura Albanese: Yes, and I understand that Presto offered the same deal at 5.25%.

Ms. Mitzie Hunter: Less actually.

Mrs. Laura Albanese: Was it less?

Mr. Sanford Weinberg: Just under our number.

Mrs. Laura Albanese: Yes, around that. So they were able to save significantly, a good amount of money for the taxpayers per transaction.

I wanted to ask you about the SEPTA system. My understanding is that Xerox was awarded the contract in 2011, and it was reported that a year into the contract, Xerox had only completed less than one half of 1% of the work. Why did your organization encounter this delay? Were there significant problems?

Mr. Sanford Weinberg: Can you say that again? I didn't understand what you're—

Mrs. Laura Albanese: It was reported that a year into the contract, Xerox had only implemented less than one half of 1% of the work.

Mr. Sanford Weinberg: That was reported where?

Mrs. Laura Albanese: I believe that this was from the local media.

Mr. Sanford Weinberg: In a project like that, there are different milestones that are scheduled in terms of deliverables and those types of things, in terms of software development, hardware development, those types of things. At 12 months into the project, there was nothing that was scheduled to be delivered in terms of completion, if you will. We were still in the final design phases and approval of it, so that performance milestone doesn't have any real bearing on our ability to deliver.

If you talked to Philadelphia today, we are on schedule for where we are. Has the schedule slipped? Yes, and we admit it—a few months. But those are because of mutually-agreed-to things that Philadelphia and we agreed to because of different design constraints. There are a lot of old facilities that we have to install into.

Mrs. Laura Albanese: I did find my quote here from the Philadelphia Inquirer, from October 9, 2012. Xerox/ACS had provided Septa with “5,600 steps that must be completed to make the smart-card system a reality. So far, only about 30 have been completed.” I just wanted to be exact. I wasn't just—

Mr. Sanford Weinberg: I can assure you those steps—if they were at that point, we've definitely caught up on those milestones.

Mrs. Laura Albanese: I'm going to get ready to hand it over to my colleague. I just had one last comment. You do know that Metrolinx will need to re-procure in 10 years, and that would open the door to Xerox to bid at that point—

Mr. Frank Klees: A billion dollars later.

Mrs. Laura Albanese: Well, you wouldn't agree. To your point, Mr. Klees, they're not locked out of the contract forever.

I'll pass that over to my colleague Mitzie Hunter.

The Chair (Mr. Lorenzo Berardinetti): Before you start, there's about two minutes left.

Ms. Mitzie Hunter: Thank you.

You've discussed open payments, mobile payments. Just to clarify, were any of those available on North American transit systems in 2006?

Mr. Sanford Weinberg: In 2006, when Presto was originally procured, you mean?

Ms. Mitzie Hunter: Just in any system.

Mr. Sanford Weinberg: The year 2006 was when the New York/New Jersey Transit trial was beginning to participate. So in 2006, no. The industry standard was a card-based system. That's why Montreal went with it. That's why the Presto platform was a card-based system.

Ms. Mitzie Hunter: You've talked about off-the-shelf, open-source architecture. Is Presto not an open architecture system?

Mr. Sanford Weinberg: No. It's closed. It's proprietary to Presto and to Accenture.

Ms. Mitzie Hunter: But does it not use an open-architecture format?

Mr. Sanford Weinberg: No. It's closed. You have to take their proprietary application that is loaded onto the card, that's loaded onto the reader, in order for that communication to take place.

Ms. Mitzie Hunter: Okay. And does it use off-the-shelf software and an open architecture in its structure, to your knowledge?

Mr. Sanford Weinberg: I believe they use some Microsoft software for their platform, so I suppose you could say that's off the shelf. But the actual way it's designed and built is proprietary to it. From the account standpoint, it would be built to Presto/Accenture standards.

Ms. Mitzie Hunter: And are you aware that the evolution of Presto will include an open-payment system as it's migrating forward?

Mr. Sanford Weinberg: I know that that has been their intent. I know that when they signed the agreement with the TTC in December 2012, they said to the TTC, "We will give you what you want. What you want is what's on that screen, which is open payment." I know what they've demonstrated is not open payment; it is pay as you go, as I said—that technology.

We had a lot of discussions. When Steve Zucker was head of Presto, we had a six-hour meeting where we brought a lot of our technical staff up here. We went through the architecture, and we showed them what they need to do to make—their staff identified about four or five areas that they know that they didn't have. And so, yes, they may be going there, but you'll have to see where they are with their design.

The Chair (Mr. Lorenzo Berardinetti): Okay. We're going to have to go around. Every party will now get 10 minutes for questions, and we'll start with the Conservative Party. Mr. Yurek?

Mr. Jeff Yurek: I'll start. Thank you, Chair.

You mentioned a few minutes ago that the TTC asked that the capital expense be bundled into the response to the RFP's cost structure. I guess it's just a simple question to ask, but why would they do that?

Mr. Sanford Weinberg: I believe they didn't have the capital to purchase the system. I believe that they probably wanted to use the capital they had to buy new rail cars and other equipment.

From a modelling standpoint, we've done a similar model in Lyon, France and in León, Mexico. We've done that elsewhere in the world—Lima, Peru—where some agencies don't have the capital funding available, so they go to a third party to provide the financing.

Mr. Jeff Yurek: And then they changed their mind once the government stepped in. Can you go over what happened?

Mr. Sanford Weinberg: Well, I think the government actually is going to—the Presto offer matched our offer. The TTC is still not going to have any capital money. The capital investment is going to come from—Metrolinx, I guess, is going to finance whatever the investment is.

Mr. Jeff Yurek: And Metrolinx is owned by—

Mr. Sanford Weinberg: It's the government.

Mr. Jeff Yurek: —the government.

Mr. Emechete Onuoha: A state-owned agency—

Mr. Sanford Weinberg: —the government, yes.

Mr. Jeff Yurek: Okay.

Mr. Sanford Weinberg: I'll let you fill that blank in.

Mr. Jeff Yurek: So basically you're developing this product for other systems, and your research and development charges, you're taking care of that. In your own business model, it's not being charged to your customer. I imagine the price that you charge over time, you will recoup it, but that allows you to reinvest in your company and come out with the next-generation product that, of course, we'll want to bring into the system sometime.

So to me, it seems like Metrolinx steps in and goes, "Well, we'll take care of the capital or the research and development." Basically, would you think now that—I guess the taxpayer itself is now funding the research and development of a product that's already going to be available in the marketplace, and you're not the only one in the world with this product, I'm sure.

Mr. Sanford Weinberg: I suppose that's where the \$700 million—or the Auditor General said something about \$954 million. I'm not sure where all his numbers come from, but I'm sure that's probably why the bill is what it's probably going to be, to cover all that development.

Mr. Emechete Onuoha: But, Mr. Yurek, your line of questioning is actually quite interesting in the sense that I think what you're alluding to is the prospect that the state-owned agency is actually using the taxpayers' resources to finance their learning and development exercise associated with trying to figure out the platform, versus the deliberate investments of a private sector enterprise, such as ourselves, that has an established research and development capacity that helps not only mitigate the risk of basic operations, but accelerates the learning and the customer-centric, customer-driven solution and constant improvement process. Your question is quite a good one in terms of who eats the costs associated with learning as the system develops, grows and evolves.

1000

One of the imperatives that guides the Xerox approach to these and other similar undertakings is the commitment to continuous improvement. In fact, we have a research and development imperative—we refer to it as "dreaming with customers"—where we bring customers in so that we can all create some potential solutions based around problem sets that weren't envisioned when our business relationship was initiated. This is an established practice that is standard in our research and development operations. Your question is quite an interesting one and certainly is relevant to the approach that we take to going to market.

Mr. Sanford Weinberg: I think the other thing, of course, that you might want to know is, who owns the IT for that software? I think the Auditor General even addressed that point as well.

Mr. Frank Klees: If I could just follow up on that, obviously it is Accenture who ultimately owns that technology, and Accenture has the right to market that technology worldwide. My understanding is that Metrolinx

has ownership of that technology strictly for Canada. Accenture is obviously in the business of developing technology, and making a lot of money at doing that. I'd be interested to know, in your worldwide experience, how often is Accenture a competitor for this technology?

Mr. Sanford Weinberg: Obviously Accenture can compete against us in a number of other areas—tolling and other things. In terms of fare collection, they were competitors in SEPTA—and they were not the chosen one, obviously. They participated in Chicago's; they were not the final one that was awarded in Chicago.

They are competing with us right now for Washington Metro. They are one of three finalists, and we are one. Another company—Cubic—and us are the three finalists for Washington. They didn't compete with us in SunRail; they didn't play down there. I don't know if they're going to be up in Portland.

Really, worldwide, Accenture has one other installation, and that's in the Netherlands. The partner that they have in the Netherlands is not their partner here in Toronto, with Presto. I think that was probably one of their issues. They had a partner that helped develop and deliver the Netherlands, and that partner was not their partner in Toronto. They don't really have a lot of fare collection depth.

Mr. Frank Klees: Thank you very much.

Mr. Jeff Yurek: In regard to that—

The Chair (Mr. Lorenzo Berardinetti): Another four minutes.

Mr. Jeff Yurek: Four minutes.

Waterloo has put out an RFP for their system. Are you bidding on the Waterloo proposal?

Mr. Sanford Weinberg: Yes. We've met with them and presented, and responded to their RFI.

Mr. Jeff Yurek: So you're able to meet all the requirements they've put in the proposal to adequately deliver the system that Waterloo has been asking for?

Mr. Sanford Weinberg: Yes. We've definitely been responding.

Mr. Emechete Onuoha: Mind you, the RFP has not been issued on the street yet, but in terms of the RFI and the preliminary requirements, we are definitely able to achieve all of them.

Mr. Jeff Yurek: Presto, in a memo sent from staff, stated that they won't be involved in the RFP because of some functionality gaps and the fact that they'll only deal with them through a memorandum of understanding, much like the TTC. Do you have a fear that the heavy hand of the government might come forward and cause Waterloo's system to also abandon a request for proposal and sign a memorandum of understanding?

Mr. Sanford Weinberg: To be honest, yes. It would be the third time. The first time they actually came in was on OC Transpo, because OC Transpo was talking to Gatineau, across the river there, about doing the system that they had. Then, because of funding issues, they went with Presto. Then Toronto. So Waterloo could feel that same challenge.

Mr. Jeff Yurek: Thinking as a company strategy going forward, if the government of Ontario continually steps in, overrides RFP processes and forces a certain product, what's the reason for Xerox to actually stay and offer a competitive, low-cost product to the people of Ontario?

Mr. Sanford Weinberg: Hope springs eternal.

Mr. Emechete Onuoha: I might add as well that, as we stated earlier, the province of Ontario is of strategic importance to our company. We believe in the Canadian market, and indeed the province of Ontario, being as it is one of the most significant trading entities in North America and indeed invariably the third- or fourth-largest trading partner with the United States. This province, we believe, is a source of potential innovation for our company, which is one of the reasons we've invested so much in our R&D and knowledge platforms here in Canada and in Ontario.

Our commitment: We are committed, as a company, to behave responsibly as a corporate citizen. We understand there are, from time to time, suboptimal decisions that are made by enterprises; we make suboptimal decisions at times as well. But our focus, Mr. Yurek, is really on committing to helping develop the economic resilience of Canada and of Ontario. We established our research operations in 1974. We're the only company in our multinational competitive space that actually undertakes value-added, advanced materials research—near your riding, actually—in this country. So we have a cultural commitment to Ontario; we have a cultural commitment to Canada. The culture of our corporation is very much in line with the desire for innovation and the pursuit of economic resilience in Canada. So our commitment and our willingness to step up and to appear, whether it's before a committee or to present for potential procurement opportunities, has more to do with the culture of ambition and cultural alignment between Xerox Corp. and the province and people of Ontario.

The Chair (Mr. Lorenzo Berardinetti): Okay, I have to stop there, thank you very much, and go to the NDP. Ms. Taylor?

Miss Monique Taylor: I just have a quick question. We talked about zero capital cost, and you said there was a minimum and a maximum. What is the maximum?

Mr. Sanford Weinberg: The way the bid form was, you really had three numbers that you filled in. One was the percentage of what you were going to charge for a transaction—

Miss Monique Taylor: The 5.34—

Mr. Sanford Weinberg: Right. Then they had a formula that guaranteed us a minimum. That was the formula they had that decided on what the minimum was. The max was an arbitrary number that we picked, in terms of what is the max. At the time, and I'm going from memory, our price was going to be about—if you look at what their current transaction model was, we were running about \$50 million for what it would cost them. I think our cap was around \$60 million and our minimum was about \$45 million.

Miss Monique Taylor: The \$60 million was—

Mr. Sanford Weinberg: —for operational costs, right. Right now the TTC had calculated that it cost them 7% to do their fare collection. Right now, they run about \$1 billion in revenue. So if you do that math, it was costing them about \$70 million to run their fare collection system. Our price was 5.75%, so that was going to be, at their 7%, about a \$16-million savings. You factor in some things, like we weren't handling cash—you have to factor some of that back in—but the idea was that it was going to lower their costs.

Miss Monique Taylor: So it would have been way much lower than the Presto system?

Mr. Sanford Weinberg: Way—look, I'll let you answer that one. Way less, yes, to cost.

Miss Monique Taylor: Thank you. Go ahead, Rosario.

Mr. Rosario Marchese: Mr. Chair?

The Chair (Mr. Lorenzo Berardinetti): There's still another eight minutes. Go ahead, Mr. Marchese.

Mr. Rosario Marchese: I just have a quick statement and a question. I am a big believer in the public procurement model versus the public-private procurement threes that the Liberals and my Conservative friends are committed to, only because I think my interest is in protecting the public interest more than anything else. I think the public procurement model is a lot cheaper for taxpayers.

But we now have accepted the public-private threes as the way to go, and so we've invented this risk matrix that the experts are putting together as a way of justifying one over the other. They usually come up with the public-private threes as being the better way to go for the taxpayer. We don't think so; we don't believe it. But people are inventing these things, and they've got big accounting firms to justify it because they like it too and they make good money on the transaction cost and so on. I wanted to make that statement.

1010

When you say that Metrolinx is a state-owned institution, it is, but in this particular case, in my view, it did not use the risk matrix very well. They defended the P3s, the public-private procurement practices, but they didn't defend this very well here. I don't see it. When you say that you put your bid, 5.75%, and they put theirs at 5.5%, from what I hear you saying, that bid was just put forward but nobody really followed it up in a serious way. They just said, "Our bid is 5.5%." But the real cost—as the Auditor General said, it's the most expensive system in the world, and the government and the previous minister, who's now the Premier, bought into it. I don't think they used a good risk matrix model.

I'm asking you, do you think they used a good risk matrix model for that bid?

Mr. Emechete Onuoha: Well, if you take an evidence-based approach to the model that was offered, to your point, we only make commitments, such as our 5.75% commitment as a percentage of revenues, after very diligent risk adjustment, particularly when we're absorbing 100% of the operating costs and 100% of the

front-end capital expenditure. As you can imagine, our investors and our board of directors would necessitate on large projects of this nature a very stringent risk analysis. But if we take an evidence-based approach, subsequent to anteing up that particular 5.25% undertaking, this predates the failure of the system in Ottawa. It also predates the litany of change orders that are very well captured by the Auditor General, which, to your point, Mr. Marchese, suggests that the risk analysis associated with vendor management and with operating execution and indeed even with prototype deployment may have been off significantly.

Mr. Rosario Marchese: Indeed there were, I think, 331 change orders, some of which, of course, were initiated by Metrolinx, but many others were changes made by Accenture of their own doing, and they didn't penalize them. They didn't go after them for the cost. In fact, the taxpayer ended up paying for that, which is unbelievably absurd.

The fare card system—you did one for Gatineau, correct?

Mr. Sanford Weinberg: Yes.

Mr. Rosario Marchese: How big is that system in Gatineau, again?

Mr. Sanford Weinberg: It's a small one because Gatineau is not a big system. I think that they maybe have 200 buses. Since 1997 the card-based system has been in operation there.

Mr. Emechete Onuoha: It is integrated with the OC Transpo system across the—

Mr. Rosario Marchese: That's what I was going to ask you, because the buses from Gatineau's system link up to the OC, right?

Mr. Emechete Onuoha: Right.

Mr. Sanford Weinberg: Yes, they transfer over.

Mr. Rosario Marchese: And that's working well, I'm assuming.

Mr. Sanford Weinberg: That has worked well between the two agencies historically, and that's why OC Transpo wanted to expand the project that has been in place since 1997 with STO. But as I mentioned, Ottawa was persuaded to go with Presto for funding purposes and that's when STO came to us. We modified their readers, the smart card reader that goes on the bus, to be able to read Presto, and we actually installed those past Presto's OC certification in March 2012, prior to the original deployment in OC Transpo, which was July 2012.

Mr. Rosario Marchese: I may have forgotten, but are you offering this service anywhere else in Canada?

Mr. Sanford Weinberg: Montreal has the card reader system now. They are beginning the phases to look at open payment, but it's not on the books right now.

Mr. Rosario Marchese: Thanks very much, Mr. Chair. I don't have any more questions.

The Chair (Mr. Lorenzo Berardinetti): You have about two minutes left.

Mr. Rosario Marchese: Thank you.

The Chair (Mr. Lorenzo Berardinetti): We'll go to the Liberal Party then for 10 minutes. Ms. Hunter?

Ms. Mitzie Hunter: Just in terms of your system, is it operating anywhere in North America?

Mr. Sanford Weinberg: Is it operating?

Ms. Mitzie Hunter: Yes. Are you collecting fares?

Mr. Sanford Weinberg: The original deployment and the original pilot, the New York-New Jersey Transit trial, was in operation and collected fares for 27,000 registered users and transferred the business rules from three different agencies. You were able to use your Visa card to move between the three agencies.

New York, because of procurement rules, shut that down. They didn't want that to be operational while they were going through the procurement. New Jersey Transit, however, kept their component operational. So you can ride about 100-and-some-odd commuter buses that New Jersey runs using open payment. In fact, they even introduced the ability to use Google Wallet, with electronic NFC technology on it. So that's operational there.

The major one would obviously be Philadelphia, which is right now in its early testing phases. The equipment is out there. You could tap, but we have limited people using that technology now.

Ms. Mitzie Hunter: Have you won the contract for New York?

Mr. Sanford Weinberg: No, not yet. Unless you want to tell me, no.

New York has started a unique procurement process because they're New York, but they're doing it in pieces. They're buying parts and pieces and then they're going to be one big integrator. They call it a thin integration model. So they're buying different pieces. We are following it. When the actual major one comes out, we certainly would be a contender.

Ms. Mitzie Hunter: Can you talk a little bit about what's happening in Denver? Is that on time?

Mr. Sanford Weinberg: Denver is a traditional smart card system. We have deployed it. It's operational. There were some delays in some of that deployment, but that's a card-based system that's not open. It is functional now. It's working. It's taking the EcoPass, which was the original deployment that was scheduled. They've now asked us to expand it to some more items. We're in the process of expanding it to accept other passes. It's functioning, yes.

Ms. Mitzie Hunter: Just for my colleague opposite, I just want to correct the—it's 5.25%, not 5.5%, for the Presto system, so it's actually less than the five and a third that was on the Xerox side.

I just also want to say that—

Mr. Rosario Marchese: It's \$700 million. It's the most costly system in the world.

Ms. Mitzie Hunter: Just a question to Xerox: Would you agree that customer convenience is a priority for fare systems and that regional integration of a transit system ought to be seamless?

Mr. Sanford Weinberg: Sure.

Mr. Emechete Onuoha: Absolutely, and particularly this is one of the reasons why the open-fare system is one that represents the best practice worldwide insofar as

eliminating a singularly situated captive stored-value card and embracing fare media that are already pre-distributed takes a large degree of risk and a great degree of customer hassle out of the experience, which is again one of the reasons why the notion of having a singularly situated focused stored-value card is deemed to be suboptimal in the modern context.

We wholeheartedly agree that customer convenience and efficiency at the customer interface is a top priority. Furthermore, we agree that integrated or seamless interaction within systems is also a priority, which is one of the reasons why many of the offerings and systems that we're implicated in—for example, the Montreal transit system—is such that we are capable of managing multiple agency requirements and fare rules within one particular system. That seamlessness and portability, particularly media-agnostic usage from the customer perspective, is critical and informs the logic of the architecture.

Ms. Mitzie Hunter: Okay. Another one for the record: My understanding is that Presto has over 400,000 users. So it's actually an active pay card system today: 25,000 per month utilize that system, and it has integrated 10 transit systems across Ontario so far. While Presto is evolving to its next stage, it is currently in use, including in the TTC system right now at a couple of stations—at 14 stations.

1020

Mr. Emechete Onuoha: Agreed. There's absolutely no debate in that regard. The Presto system exists and is in use. I think the question that has been raised is whether it's effective and good value for money for taxpayers. I believe that's the critical issue—and whether the risks have been sufficiently reduced in terms of the deployment of the technology to justify some of the significant costs that have been flagged by, amongst others, the Auditor General. But we wholeheartedly acknowledge that the system is in play.

Mr. Sanford Weinberg: To look at that, those are good numbers certainly in play. I think you might want to look at—it's one thing to quote 400,000 cards in circulation, but you might want to take a look at how many transactions per card, and how many cards are actually being used. Even in the latest article from Ottawa, they were commenting that only about 60% of the cards are—they've given away, not charged, which isn't their model, but they gave away 190,000 cards, and only 60% have been used. I would think an interesting thing for you to look at is, how many are actually being repetitively used?

Also, to talk about convenience, yes, those 10 agencies do accept Presto, but they're not being used for all the rest of their transit needs. It's just for those transactions.

Ms. Mitzie Hunter: My understanding from Metrolinx is that 25,000 users per month—that's the growth. And 91% of Presto users would recommend this technology to other riders in terms of their customer satisfaction. So it seems like the demand is growing—the seamless integration that Presto offers to the GTHA, which was one of the key goals, to make it convenient and

seamless, and using technology that can evolve and adopt to the needs of our customers.

Mr. Rosario Marchese: Is that a question, Mitzie?

Ms. Mitzie Hunter: I'm just, really, confirming that.

Mr. Sanford Weinberg: To respond back, I think you'll find, if you'd ask those same customers, do they like Presto, do they like the card—I think you're right. They like the convenience. They like what that technology does bring. If you asked those same customers, would they like not to carry a separate card but to use a card in their current pocket to do the transaction, to ride, I think you'll find that the response would be even higher.

I could provide you with a study that MasterCard provided. Of course, that's their business, but MasterCard provided a study that would show that the demand for single-use cards, which is their business model, certainly would indicate that that's really where the public wants to go.

I would also tell you, the younger rider, which is who you're really building the system for—they want to use their phone. They want that convenience. They want that technology.

Mr. Emechete Onuoha: And, Ms. Hunter, I might add, if I may, my colleague and I and Xerox, we're not here necessarily to bury Presto. In fact, the dialogue that we've had with the province and the voluntary advice we've given to Metrolinx has really been about, how do you make Presto work if this is the public transit fare collection model for the province of Ontario?

Our concern has been delivering world-class technology that ensures that the public transit fare collection policy of this province is actually resilient. What we question is whether or not the technology currently applied is actually going to deliver that public policy value. Again, our offer of dialogue and our continued willingness to collaborate with the government of

Ontario is predicated on delivering a public transit fare collection system that the people of Ontario deserve and that is cost-effective, risk-adjusted, convenient and also integrated by region.

The Chair (Mr. Lorenzo Berardinetti): I'm going to have to cut you off there. Sorry. We're at 10:24. That completes our session.

Mr. Klees wants one more question, but I'm going to require unanimous consent for his question. Is everyone okay with that? One question? Because the bells are going to start ringing in a minute.

Interjections.

Mr. Frank Klees: Can I just say this: I think that, at the end of the day, what is very, very important here is, Ms. Hunter has thrown out the two different rates—5.25% versus 5.75%. So my question is this: If, in fact, ACS/Xerox is over by \$1 million in terms of its actual cost of delivery, who eats the difference? Does Xerox eat that? Yes or no?

Mr. Sanford Weinberg: Yes.

Mr. Emechete Onuoha: Yes, absolutely. Xerox will eat that.

Mr. Frank Klees: And if Presto is over, let's face it, it's the taxpayer who's going to eat the difference. We on this side have no confidence that Metrolinx and Presto will be able to hold to their price—

Mr. Kevin Daniel Flynn: The unanimous consent was for a question, Mr. Chair, not a speech.

Mr. Sanford Weinberg: Just a correction: Our number, actually, was 5.35%. I might have misspoken. It's 5.35%.

The Chair (Mr. Lorenzo Berardinetti): All right. The bells are ringing. The meeting is now adjourned. Thank you very much for your presentation today.

The committee adjourned at 1025.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 3 December 2013

Journal des débats (Hansard)

Mardi 3 décembre 2013

Standing Committee on Government Agencies

Agency review: Metrolinx

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STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 3 December 2013

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 3 décembre 2013

The committee met at 0839 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr. Lorenzo Berardinetti): Okay. Now that we have one member from each caucus, we can begin. Good morning, everybody, and welcome to the Standing Committee on Government Agencies.

The first item on the agenda is the report of the subcommittee on committee business dated Thursday, November 28, 2013. Do I have someone who can move adoption of the report?

Mrs. Laura Albanese: I move adoption of the subcommittee report on intended appointments dated November 28, 2013.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. Albanese. Any discussion? All those in favour? Opposed? It's approved.

AGENCY REVIEW: METROLINX
CONSTRUCTION AND DESIGN
ALLIANCE OF ONTARIO

The Chair (Mr. Lorenzo Berardinetti): Today, we are continuing our agency review of Metrolinx. We have one deputation, or one presentation, the Construction and Design Alliance of Ontario.

Welcome. You will have 30 minutes for your presentation, and then we'll rotate. We'll go first with the NDP and they will be able to go for 15 minutes, and the other parties also have 15 minutes. The second rotation will be 10 minutes for questions.

You can begin your presentation. If you could just state your names beforehand for Hansard.

Mr. Clive Thurston: Clive Thurston. I'm president of the Ontario General Contractors Association and chair of the Construction and Design Alliance of Ontario.

Mr. David Zurawel: Good morning. David Zurawel, manager of stakeholder relations for Consulting Engineers of Ontario.

The Chair (Mr. Lorenzo Berardinetti): Good morning.

Mr. Clive Thurston: Is that a go?

The Chair (Mr. Lorenzo Berardinetti): Yes, you can go for up to 30 minutes.

Mr. Clive Thurston: I'm new to this. Good morning, Mr. Chairman and members of the committee. Again,

thank you for this opportunity to appear before you this morning to provide comment regarding Metrolinx.

As I said, my name is Clive Thurston; I'm president of the OGCA. Today, I appear to you in my capacity as chair of the Construction and Design Alliance of Ontario, which I'll refer to as "the alliance" during the discussion.

Joining me is David Zurawel. He is manager of stakeholder relations with the Consulting Engineers of Ontario, who are also founders and members of the alliance.

The alliance is a collaborative group of 15 organizations, representing a broad cross-section of professions which design and build infrastructure in Ontario. A complete list of our membership is noted on the presentation before you.

The alliance's primary mandate is to provide input and advice to provincial and municipal governments. As construction and design industry sector experts, we seek to facilitate solutions to Ontario's infrastructure challenges.

A key element of this mandate is advocating for strategic, long-term infrastructure investment. It is our belief that stable and well-planned investment in Ontario's infrastructure is the backbone of our future economic prosperity. The magnitude of its impact must remind us that, when done deliberately and thoughtfully, and supported through evidence-based planning, spending on infrastructure is an investment and not just an expense. It is because of this issue and how it influences Metrolinx that we are pleased to have been invited here to speak to you today.

All of us here are well aware of Metrolinx's mandate to provide leadership and coordinate between the different regional transportation networks, to act as the central procurement agency for these networks and, ultimately, to run our future integrated system. For the purposes of our presentation today, we would like to speak to leadership, coordination and procurement.

Metrolinx is charged with no small task. It is responsible for creating a new transportation infrastructure system for the greater Toronto and Hamilton area. For it to be successful, the alliance believes, Metrolinx must undertake three commitments to improve or change how it conducts business when it comes to procuring its infrastructure projects. These commitments are: improved procurement processes, requiring industry collaboration; independent third party review; and project life-cycle cost funding. Underpinning each of these commitments is

the philosophy of ensuring value and return on the investment for taxpayers' dollars.

Improved procurement processes: The alliance believes that procurement processes have to be developed to reward design and innovation that produce value in construction. Let me state very clearly for the record that the alliance is not opposed to AFP, P3s, and bundling of projects. These are all valid and proven procurement tools. These tools can only be used with the right project at the right time and for the right reasons, supported by comprehensive market research.

Selection of the wrong project delivery method can prevent the delivery of the desired results or end up adding additional and significant costs to projects in order to attain those results.

Our members have invested a great deal of time and effort working with Infrastructure Ontario. We created a six-point bundling criteria. We encourage Metrolinx to adopt it and for Metrolinx to encourage others to use it as well.

The alliance's position is that the current AFP template is not suitable for projects that are of an order of magnitude smaller than \$100 million. Bundling projects simply to reach a financial target could, and will, ultimately eliminate any advantage that appropriate project bundling would achieve.

The alliance would like to work with Metrolinx and Infrastructure Ontario officials to review potential alternative templates that can be used to create an efficient and effective procurement tool for these smaller projects. Our fear is that applying AFP where it is clearly an inappropriate delivery model would handcuff the project procurement process and eliminate efficiencies and innovation.

The procurement process must have a mechanism to provide for long-term innovation that goes beyond what is required to create time and dollar savings during the construction process. Innovation must be allowed to create strategic cultural and commercial value and return on investment over the life cycle of our public infrastructure assets.

The alliance encourages owners and buyers of construction to involve the industry early in the procurement process. We are the design and construction experts, and we bring experience and innovation to the table that will maximize the government's return on investment. Through collaboration, we can work with Metrolinx to help it realize its desired goals. To do this, we have to be included in these projects from their beginning.

We are eager to work with the province to develop approaches to reward design and innovation, both in situations where AFPs are used and where they are not used, knowing that while P3s provide a suite of solutions, these are not a panacea. We recommend that a government agency or industry working group, tasked with the responsibility to provide a viable plan to achieve this important goal, be created.

Independent, third-party reviews: In recent years, when procuring public infrastructure, the provincial gov-

ernment and its agencies have relied on AFP as the delivery model. As I mentioned earlier, AFP is not a panacea for procuring construction. Each project must be evaluated on its own unique characteristics and objectives. Only then can the appropriate delivery method be selected to complete the job in the most efficient and cost-effective manner. In fact, AFP can add as much as 30% to the overall cost of a project, eliminating potential cost savings and value for taxpayer dollars at a time when they are at a premium.

For this reason, the alliance believes the government, Metrolinx and Infrastructure Ontario must be required to conduct independent market studies to determine when and whether to procure using AFP and P3 systems. They must also include the construction and design industry in its decision-making process when procuring projects.

Such evidence-based decision-making must be used to determine which projects are to be undertaken, how they will be delivered and the reasons for these decisions. Many European jurisdictions are mandating independent market studies to provide evidence-based reasoning for P3 projects and project bundling. These processes not only ensure the selection of the appropriate project delivery method, but also close co-operation of industry stakeholders and government to ensure maximized value for the taxpayers' dollars.

The alliance would like to recommend that the province, as a buyer of construction, work with the industry to develop the processes necessary to implement an evidence-based market study regime. This regime can then assess its proposed infrastructure projects and move beyond its current on-time, on-budget definition of success.

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To realize its prosperity potential, Ontario must begin to define its strategy in terms of life cycle impact, value and return on investment. We must begin to think in terms of starting with the end in mind, on quality design and innovation that addresses social, environmental and economic aspects of the quality of life of the citizens of Ontario. The alliance and its members are committed to partnering with you to achieve remarkable, visionary and inspirational public infrastructure.

I would now like to turn you over to Mr. David Zurawel, manager of stakeholder relations for the Consulting Engineers of Ontario, to speak to you about project life cycle cost funding.

Mr. David Zurawel: Thank you, Clive. Good morning, members of the committee. I appreciate having the time to speak to you this morning about an important element of public procurement. Despite its importance, it is seldom considered and rarely included in public procurement planning, and that is full project life cycle cost funding.

Current economic conditions created by the global recession and a focus on debt reduction by governments at the end of the 20th and the beginning of the 21st centuries saw public officials favour tendering processes focused on lowest-price design. This has taken preced-

ence over options offering value savings realized throughout an asset's life cycle as a product of efficient and innovative design. We contend, however, that with the government's and the public's focus shifting away from cuts and austerity to value for tax dollars, the procurement protocols must keep up with this trend.

Just as important to the public as a new piece of transportation infrastructure—whether it be a rail line, highway or bridge—is their confidence that their tax dollars were prudently spent to construct that asset, and that their future tax dollars will be prudently allocated and spent to maintain it so that it continues to provide the best value possible. Best value is realized when design alternatives are evaluated on asset life cycle costs, and it is during design that both construction and operations and maintenance cost savings are most easily achieved.

Life cycle costing is critical because public infrastructure projects are long-term investments. The best value for the taxpayer means that the asset is delivered with the least financial impact over the long term. This refers to savings realized over the life of the asset, from its construction and through its operation, as a product of the most efficient and innovative design.

Our present concern is that governments' continued emphasis to procure infrastructure using lowest-price design options will not provide the best value for Ontario taxpayers. Additionally, planning infrastructure procurement by only accounting for initial capital construction costs will not help solve our infrastructure deficit dilemma. To balance our infrastructure deficit so that Ontario can return to prosperity, procurement tools used by agencies such as Metrolinx and the government of Ontario must include both initial capital construction and asset life cycle costs.

From initial discussions with the agency, and evidenced by Minister Murray's introduction of Bill 141 on November 26, indications are that the need for and benefits of life cycle funding have been recognized. However, Ontario will not be able to live up to its potential as the engine of the Canadian economy until such a philosophical shift in government procurement is established in the broader public sector's protocols.

By way of closing, we would like to sum up by saying that we recognize that Metrolinx has a challenging mandate to fulfill during these challenging economic and political times. However, if the agency is determined to succeed in realizing its objectives, it must be committed to reforming its procurement processes, fostering innovation, increasing industry stakeholder collaboration, implementing evidence-based decision-making and maximizing its return on its investments of taxpayer dollars by implementing life cycle cost funding for its projects.

Thank you again for the opportunity to appear before you today. We would be pleased to speak to any questions that you may have for us.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much. We're going to begin the questioning with the NDP. They'll have up to 20 minutes to ask questions—I'm sorry, 15 minutes.

Mr. Rosario Marchese: It's 15. Right.

The Chair (Mr. Lorenzo Berardinetti): It's 15. Sorry.

Mr. Rosario Marchese: That's okay.

I thank you both for the presentation, and I want to begin with some questions. In a question that I asked to the minister, you got the impression that Metrolinx is the decision-maker. Then you realize, as you continue with questioning, that Metrolinx works with Infrastructure Ontario. As I continued with my questions of both Metrolinx and the minister in the past couple of weeks, you realize that when the minister says—it isn't "they" that make the decision; ultimately, it's "we," the ministers, who make the decision. So one realizes that perhaps there is no independence whatsoever here, and that ultimately it's the government that has the final say.

Are you working primarily with Metrolinx, or are you working with Metrolinx and Infrastructure Ontario and, ultimately, the minister to try to move things around? What have you really done?

Mr. Clive Thurston: That's a very good question. In the early days, there certainly was confusion as to who was in charge.

Mr. Rosario Marchese: There still is.

Mr. Clive Thurston: There still is, to some extent. It's better, though.

The alliance members, in particular ORBA—the road builders—and the consulting engineers have been working very closely with Metrolinx; the general contractors, less so. But as I say, the CEO, ORBA and others have worked very closely with Metrolinx.

The alliance itself has had a relationship with Infrastructure Ontario since its inception. In fact, three of our groups were part of forming Infrastructure Ontario. Minister Caplan, at the time, brought in the architects, the engineers and the general contractors, and we actually had input in creating IO and moving it forward. It was out of that that the alliance was created, to continue that effort.

So, in answer to your question, certain members of the alliance work specifically with Metrolinx and report back. The alliance, as a whole, works with Infrastructure very closely—we have a stakeholder committee—and we also work with the minister's office.

Mr. Rosario Marchese: So you work with everyone.

Mr. Clive Thurston: With everybody.

Mr. Rosario Marchese: The problem is, based on your presentation—in all my questions, I've said to the minister that Infrastructure Ontario appears to be absolutely committed to public-private partnerships. If that is true, as I believe it is, then you have a problem in terms of trying to persuade them to look at things a little more objectively. Is that a fair point to make or a fair question to ask?

Mr. Clive Thurston: Yes, it's a fair question, and it has been a challenge. We have worked with them very closely. Things have gotten better. The bundling protocol we put into place is starting to take effect. Local knowledge came from our industry and was picked up by IO.

There is more change to come. We were very influential in Bill 141 on one particular item, which we have pushed for years, and that is for long-term planning, the 10-year plan, which, with Minister Chiarelli, we had a lot of input in.

Mr. Rosario Marchese: Okay. You speak about improving the process. You talk about independent third party reviews and that it ought to be an evidence-based market system. The problem is that Minister Murray keeps saying that's exactly what they do, if I can be permitted to quote him. He said, to a question I asked—IO, I said, is completely committed to the P3s, and Glen Murray said, “No, because it's not IO that decides which projects are P3s. Those are government decisions made, based on evidence by the ministries.”

Further, in another response to a question, the deputy minister says, “The ... point I'd want to make is that the value-for-money assessment itself is actually calculated three different times. The other point that I should make is that the IO itself—Infrastructure Ontario—is overseen by a merit-based board of directors.” God knows who they are and what they do, but they all spew out these words. It's all evidence-based, and that they have brought in a lot of experts who are presumably objective about how they do these things.

You're asking for an evidence-based market system, which I think would make sense. The government keeps saying that's all they do, and you heard two of the quotes by the deputy and the minister. How do you deal with that? How do I deal with that, as a critic?

Mr. Clive Thurston: That's a good question, and it has been a challenge for us.

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Mr. Rosario Marchese: A challenge, right. It's a challenge for me. Imagine what it is for you.

Mr. Clive Thurston: Yes. I can say we've gotten a sympathetic—well, more than a sympathetic ear. What we've been able to show—

Mr. Rosario Marchese: Sorry, you can say that you did or you didn't?

Mr. Clive Thurston: We did. We did get a sympathetic—

Mr. Rosario Marchese: You did get it. Oh, I see. That's good.

Mr. Clive Thurston: We have more meetings planned. In fact, we're moving ahead with a very aggressive stakeholder series of meetings with Infrastructure Ontario, specifically addressing these particular issues.

I'm aware, as you are, of those answers, and that they have claimed that they have done this market research. I would only give you the example of the Eglinton Crosstown—which my associates are going to kill me for—but last year, before that project came out, Infrastructure Ontario told me that they had done market research and they would get five consortiums, no problem.

Mr. Rosario Marchese: Right.

Mr. Clive Thurston: You know the results. They barely got two, and they're still not released. I asked,

“Who did your market research?” Because it was nobody in this industry. If you'd come to any expert in this industry—myself, my friends at CEO or the OAA—we would have told you, “You're dreaming,” because this is our business.

I don't know who they go to. It's been one of our issues. Minister Murray has responded to that; in fact, he's agreed with us. We have said, as we said in this statement, that we are the experts, not these consultants, not all these high-priced guys who are brought in in suits and everything to tell you how to do things. We're the experts. We have the architects, the engineers, the designers, the contractors and the sub-trades. We're the guys with boots on the ground, and we want to be listened to. That's what we've been trying to push.

I hope that answers your question.

Mr. Rosario Marchese: In part. By the way, I did ask Mr. McCuaig how many bidders he had for the Cross-town. He said he couldn't say, because it's all private.

Mr. Clive Thurston: Yes, I understand it's a big secret.

Mr. Rosario Marchese: Then I said, “Isn't that odd?” Because the media keeps saying there are only two bidders, and it's all public information that there are only two, but he simply could not state whether there were any more. I said, “If there are only two”—in the end, after all the other questions—“would two be sufficient?” I think he said yes, and I said, “I'm going to write ‘yes’ for future reference.”

Would two be sufficient, in your view?

Mr. Clive Thurston: The size of this project basically means you're only going to get one or two. It precludes getting any more than that. In the past, we have seen P3 projects awarded on a single bid—on a single bid. So they only received one proposal for a major hospital, and they went ahead with it.

That was early on, and those issues were addressed by subsequent ministers. We said, “You just can't keep doing this. You need competition to make sure you're getting best value,” and I understand that more protocols were put in place.

Mr. Rosario Marchese: Well, Clive, it's good to know you're making progress, as you said. I'm glad they're listening to you, and you keep having meetings and then they give you a little something. You're making some progress. That's got to be a positive thing, no?

Mr. Clive Thurston: It is. We're—

Mr. Rosario Marchese: I was being ironic, actually.

Mr. Clive Thurston: I know, but I'm not.

Laughter.

Mr. Clive Thurston: It has been interesting. I'm not a political guy. I came out of the field. I was a construction kid. I grew up in this business, so I'm pretty straightforward in how I deal with things and do things. We have brought that to the minister in that same way of talking. I deal with Infrastructure Ontario in the same way. They know that we don't couch it in polite terms, if you like.

Mr. Rosario Marchese: The government, the minister, the deputy, Mr. McCuaig and all the other folks all

talk about innovation, that the point of the P3s is that you actually get innovation. Part of my question to them was, how come we can't build in innovation in a public procurement? Why is it impossible to do, thus eliminating the profit motive—which is 10% to 15%, we're told—thus eliminating the higher cost of borrowing, because we borrow more cheaply? If we do have the expertise, as we do with the TTC, GO Transit and so on, why couldn't we use that expertise and build in innovation with our own construction and design folks in the country and achieve what we want? Why is it impossible to do that?

Mr. Clive Thurston: It's not impossible. That, I think, is part of Bill 141. It talks very clearly about introducing more design and innovation into projects. This current minister does believe in that, and it's something we as a group have been pushing for years.

You're right: It's small steps. We're getting places. Could we do more? Could it be better? Yes. And you're very right about one thing: What we're talking about is the process. The process can be improved; there's no question. Any process can be improved.

We started with this eight or nine years ago. As I said, we were part of it for a period of time. It started to roll out and the problems started to come to the fore, and we started identifying. Plus, we learned from other jurisdictions. We learned what was going on in other parts of the world. They had been doing this a lot earlier than we had, and had made a lot more mistakes than we're currently making, actually—especially in England—but they fixed it.

Mr. Rosario Marchese: God bless.

Mr. Clive Thurston: Yes. We've been watching those changes. One of those changes is that where our bundling protocol voluntarily asks for a market survey, in Europe, in England, it's mandatory; it's the law. You do not move forward until you've done an independent market survey with consultants that you're not paying.

Mr. Rosario Marchese: That's the point I wanted to make earlier in terms of independent, because the government, as I indicated earlier, says that they use independent folks. My point is, if you've got so-called independent folks who are eager to do P3s, and KPMG—well, how independent KPMG is is objective—but they all support P3s. If they're all independent bodies doing this review, but they're all eager to do the P3s, well, who the heck is independent and can give you an objective view of this? Who do you propose? What do you recommend?

Mr. Clive Thurston: Well, this is why we've asked for a joint committee to sit down and work out how we can do this. But you're right: People with a vested interest in seeing 3Ps prosper are going to tell you what you want to hear, right?

Mr. Rosario Marchese: That's the point I wanted to make, yes.

Mr. Clive Thurston: There's an excellent study—it's called Facts or Fiction?—that we've given to the government—

Mr. Rosario Marchese: Oh, yes, I have that.

Mr. Clive Thurston:—dispelling the myths about bundling, but it also talks extensively about 3Ps. It's out of there where we're seeing some of the better practices in other countries that need to be brought here, to improve the process.

Mr. Rosario Marchese: I absolutely agree. The minister often says—because you said he's a great believer in innovation.

Mr. Clive Thurston: Yes.

Mr. Rosario Marchese: The problem with the minister is that sometimes he can give you two answers simultaneously, and you say to yourself, "Is he on my side or agin me?" Because you never really know.

It's like bundling. He seems to be opposed to bundling, and he thinks we should de-bundle, but if you ask him, he'll be on both sides of that issue simultaneously, which, for me, is very impossible to do. He's very good at both of those things.

When I asked about de-bundling, he said, "Yes, but you've got to read the whole article." So, on one hand, he says, "Yes, we've got to look carefully at that, and maybe there's a case to be made for doing that," but on the other hand, he moves ahead.

I understand that the minister gives you that feeling on both innovation ideas and de-bundling, but I just wonder which side of the issue he's on, particularly as he talks to bundling, which you speak about very strongly. You've spoken about that strongly. Where do you think he's at today on that issue of bundling or de-bundling?

Mr. Clive Thurston: I don't think I can speak for the minister, but with respect, I find most politicians can answer a question that way.

Mr. Rosario Marchese: God bless. There you go. I wish I was as good as that.

Mr. Rick Bartolucci: You are, Rosario. You are.

Mr. Rosario Marchese: I'm not very good at that.

The Chair (Mr. Lorenzo Berardinetti): You have about a minute left.

Mr. Clive Thurston: Our feeling is that we take people as they come; we take politicians as they come. Minister Murray is the gentleman we have to work with. We have been given great access. We've been given a hearing. He's listening.

Yes, he's got a lot of ideas.

Mr. Rosario Marchese: God bless.

Mr. Clive Thurston: He's very, very excited about this ministry and its portfolio and what goes on; there's no question. You're right: Sometimes it can be confusing. But I believe, and I believe my alliance partners believe, that we are getting through and that, in the end, if we make our case to him properly, we will win. He has committed—

Mr. Rosario Marchese: I'm rooting for you, okay? All right.

Mr. Clive Thurston: There are a lot of companies rooting for us too, so—

Mr. Rosario Marchese: Very good. Thank you, Mr. Chair.

The Chair (Mr. Lorenzo Berardinetti): We'll come back.

Mr. Rosario Marchese: We'll come back.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Marchese. The Liberal Party has, again, 15 minutes. Mr. Bartolucci?

Mr. Rick Bartolucci: Thanks very much, Chair. Clive and David, thank you very much for your excellent presentation and your honesty in answering the questions of Mr. Marchese.

You make some excellent recommendations in your entire presentation, so I'm wondering if you can expand on some of those recommendations. If they haven't started yet, please tell us, because I think your recommendation that a group come together so that we can ensure that the AFP model is the correct model is the way to go. Has that dialogue begun in earnest? And I just ask you for your opinion.

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Mr. Clive Thurston: It hasn't begun in earnest; it has begun. We created, near the end of last year, a large stakeholder committee. It originally came together to discuss the issue of bundling and, out of that, we created the bundling protocol. It was felt—and IO agreed—that more needs to be done. It was IO that said to us, "Look, we've been doing it this way for a long time. It's time to take a look at it. You've got some good ideas." In fact, this week—unfortunately, it's been postponed, but this week was supposed to be an organizing meeting to establish that committee full time with me as its co-chair and a co-chair out of Infrastructure Ontario. We would bring together the industry leaders and begin to look at the whole process of how IO operates, how they procure projects, and begin to give input. So it has begun.

That committee is a commitment. We know the minister supported the setting up of that committee. We know that Bert Clark has instructed his staff to make it happen, and it's going to happen. We expect meetings to start in January. To these meetings, we bring in the very best in the business, so it's not staff who are sitting there telling IO how to do things. We bring in engineers and architects and general contractors who sit in the room and will speak honestly and openly, sometimes even to their own financial detriment, but they speak honestly. We're able to bring those experts into the room.

By the way, we're a lot cheaper than all those consultants because we do it for free. IO has taken advantage of that. We have the commitment to the committee. It's been agreed that I will co-chair it with a co-chair from IO, and we will start moving forward and really get an in-depth look at a lot of the issues that we're talking about.

Mr. Rick Bartolucci: Thanks. I'd appreciate—because I've dealt with your alliance, both as a member and as a minister, and I've found that the advice that you provide is very, very professional advice. You work very hard at trying to reach what's in the best interests of the people we all serve—you in a different capacity than we as representatives, but we serve the people of Ontario.

On time and on budget should not be the sole criteria. I think we miss out on opportunity with regard to innovation if it's simply on time and on budget. How is that discussion going?

Mr. Clive Thurston: That has escalated, that discussion, and it is being championed by the Ontario Association of Architects, the Consulting Engineers of Ontario and the Association of Registered Interior Designers—that's a mouthful. But that's being championed by our partners in that. Again, we are getting a very good hearing. The government has said that there needs to be more innovation; it's not just about the dollars.

There's going to be sort of—not hit the pause button, but take a look at what value we've been getting and can we get more value out of it. Simply going to the basic design, cookie-cutter low bid doesn't give you anything to be proud of, and it sometimes doesn't even deliver the building you're looking for, and you might pay a lot more for it.

So innovation—and as my associate was talking about, it's the life cycle cost of a building. The design and construction of a building is less than 1% of the cost of building something over its life cycle—less than 1%, but it's the area where we cheap the most, where we cut the most, where we refuse to spend money.

Architects and engineers and that are not paid what they should be paid because they're chosen on low bid, and it doesn't work. It's a recipe for failure, and it has failed. There is no question of that. We have come up with alternatives. There's an alternative called quality-based selection or qualification-based selection. It's in 40-odd states in the US—mandated. Funny enough, it's mandated in Quebec. It's used in Calgary—hugely successful. But to get it adopted here in Ontario—the city of London's using it very successfully. We are faced with these procurement people who still think that low bid is the only way to go. Procurement people are not construction people. They're not architects. They're not engineers. They're procurement people; they buy pens and paper. They've been put in charge of far too much construction procurement in this province, and they're costing taxpayers a fortune.

It has got to change. The industry has to be listened to. These innovative methods of procuring projects have to be tried. We proposed QBS to the then ORC and we thought we had a deal to run two pilot projects, one using QBS and one using standard procurement. We got it right up to their board and they killed it.

This minister is more interested. He has asked for information on it. But that's just one tool that is available to us on the design side. If you don't spend the money on the design side, it's like not having a foundation for your future. Everything is built on a solid foundation, and projects are built on a foundation of architecture and engineering. Without that, you don't get value for money.

Mr. Rick Bartolucci: Thanks very much, Clive. Laura?

Mrs. Laura Albanese: Thank you very much for your presentation.

I had two questions to begin, one of clarification of what you were saying about this committee that is being established. Is that going to include all the three areas that you mentioned in your presentation where you would like to see improvement—the procurement process, the independent third party review and the project life cycle cost funding? Would it include all three under this committee?

Mr. Clive Thurston: Yes. They're our agenda items, and we've submitted them in writing, both to IO, to John McKendrick, and—

Mrs. Laura Albanese: And Metrolinx is also involved in the committee as well, or just IO?

Mr. Clive Thurston: Not yet. It's just IO that we've been dealing with. As I said, certain other members of the alliance have been dealing with Metrolinx at the side. Metrolinx came to the alliance's attention with the Eglinton Crosstown, and that involved all of us, so that became an alliance issue. But Metrolinx should be part of this, as should anyone.

One of the commitments we got from the government on the bundling protocol was to push it down to the rest of the ministries, because one of the weaknesses in government procurement is that some ministries run off and do their own thing. They think they know best practice and they don't, and then I get called—job security, I guess.

But we'd like to see a change. We've been pushing for a single procurement system throughout the provincial government when it comes to construction design and construction projects. We want somebody in charge who understands what we do. Someone from the Ministry of Education who is putting out school contracts has no clue what we do, and that's why I have about five lawsuits on my desk right now and more coming. This has got to change. That's what we're going to push through this. We want to push through that there needs to be a really educated, knowledgeable group, with industry input, that handles the procurement of construction for the province and sets the processes.

Mrs. Laura Albanese: And it's always advantageous to break down those silos, for sure.

Mr. Clive Thurston: Breaking the silos was how this started eight years ago. It was a recognition by then Minister Caplan to say, "There are too many silos in this, and we've got to break them down." That's why the alliance came about.

Mrs. Laura Albanese: I'm glad to see that that's proceeding. I also had a question on Metrolinx and how their plans impact you. We have the Big Move, the 25-year plan, and as you know, that's spearheading the integration of multiple agencies in the greater Toronto and Hamilton area. How does a long-term plan for transit help the members of your alliance to prepare for the projects that need to be built? How important is a long-term plan?

Mr. Clive Thurston: I'm going to ask Mr. Zurawel to respond to that.

Mr. David Zurawel: I think, with any plan, it's good to know where you're going. The Big Move plan repre-

sents a first. A \$50-billion commitment for 25 to 30 years of infrastructure development is quite a feat. It demonstrates forethought, and I think the Big Move is proposing a solution for the greater Toronto and Hamilton area. Where the challenge for that plan exists is that that \$50-billion figure for those projects is looking at initial capital infrastructure cost. What's not included in that \$50-billion figure is the life cycle costing or what it's going to cost to operate, maintain and even decommission those assets throughout their lifetime.

0920

The Premier's transit panel, headed by Anne Golden, had published two papers. In one of those papers informing their public consultations, they had even noted that life cycle costing was an issue and that the Big Move did not take that into consideration when it put the \$50-billion figure on the table.

What does that mean, and what is the impact that that is going to have? I don't really want to call it a—well, I guess it is a problem. The transit panel and the government are looking at how to fund this infrastructure. They're looking at revenue tools; you could call them taxes. They're looking at how much money they're going to have to raise.

If the Big Move has a \$50-billion price tag that only looks at initial capital costs and not life cycle operating costs and decommissioning, it makes it very hard to know which revenue tools you're going to need to use, and it makes it very difficult to establish the threshold for how much money those revenue tools have to pull in at that time. So, if you'll pardon the expression, you're shooting in the dark in what it is that you really need in order to get to your end result.

Something that Clive had noted in his presentation was that we have to start with the end in mind: How are we going to get there? If we don't know what the tools are going to be, and we don't know how much money we need to raise, then getting there in the end is going to make it really tough. We're not going to be able to tackle the infrastructure deficit that we have, unless we look at the entire cost of these things.

Mrs. Laura Albanese: Thank you. My colleague Ms. Hunter will continue.

Ms. Mitzi Hunter: Thank you. To continue along the lines of investments in infrastructure: Our Liberal government has invested \$85 billion since 2003. The fact is that underinvestment in infrastructure doesn't help anyone in this region, particularly, to remain competitive.

I'd like you to comment on the need for continued investments and how that would assist in the longer-term planning, and incorporating the principles that you've discussed this morning.

Mr. David Zurawel: You're asking for comment on continued investment. I'm sorry, could you—

Mr. Rosario Marchese: Continuing investment in infrastructure—

Interjections.

Mr. David Zurawel: I'm not sure where to go after that.

Interjection: They want you to compliment them—
Interjections.

Mr. David Zurawel: I don't know where to go with that, either.

Ms. Mitzie Hunter: Or conversely, we can talk about the lack of investment prior to 2003 and where that would have ended up, in terms of the state of our infrastructure.

Mr. Rick Bartolucci: We all know we're doing a great job. Now, how do we continue doing that great job, I think, is what Ms. Hunter wants.

Mr. David Zurawel: Thank you for your question. I think Clive has made a good point. Infrastructure—we talk about strategic, long-term investment, and that's the key word here. It's about investment.

Where we are coming from, particularly in the last five or six years—I think the public is looking at government spending as spending. It's adding to the debt; it's digging a deeper hole. It's whatever you want to call it.

Spending on infrastructure, if it's done properly, if it has an adequate plan, is investment. By taking and making those commitments, we're going to be able to improve our roads. We're going to be able to make it easier for people to get to work, which is going to make it easier for business to conduct itself here and make investments here, which will grow jobs. That's what good infrastructure planning is all about. It really is about investment versus cost.

There was another point that I wanted to make, and it has vacated the premises. I'm sorry.

The Chair (Mr. Lorenzo Berardinetti): I'm going to have to cut you off there, because I want to stay within the time limits. We've used up the 15 minutes there. We'll come back later with a 10-minute rotation. We'll go with the Conservative Party right now. Questions? Mr. Holyday.

Mr. Douglas C. Holyday: I just wondered if you would expand a bit on your life cycle costing theory. That's an interesting thing, and I think maybe we should be using it a bit more often, especially when we're comparing things like light rail to subway, and take a look at the expected life of the operations and what this life cycle costing would do to them. Have you done any projections on anything like that?

Mr. David Zurawel: The life cycle costing—for the organization that I'm representing here today, that I work for, the Consulting Engineers of Ontario, that's part of the professional suite of tools that we bring to the table. Our members are experts at developing projections for life cycle costing and bringing that into a job. So they do it in the course of each project that they have.

Mr. Douglas C. Holyday: So it's not just the cost of creating it or capitalizing it; it might be the ongoing cost of maintaining it and operating it over a period of time and the length of time that that would occur. Do you think that the government has done a good job of doing that kind of thing?

Mr. David Zurawel: I think Ontario has a very ad hoc history of investing in infrastructure. Infrastructure is

something that is fought on—there are decisions that are made on immediate need, I guess is the best way to put it. I think the government is taking the right steps with the tabling of Bill 141, where they're going to have a definitive long-term plan, a 10-year plan that's going to be on a five-year rolling cycle. If passed, that legislation represents where government should be going. I think all governments here in Ontario up to this point today have not done a good job of long-term infrastructure planning.

There have been plans; don't get me wrong. Governments have been trying to invest in infrastructure, particularly of late, to address the needs that we have. But, historically, it has been ad hoc. It has been pretty much on a one-off basis, and we need to do better. If we're going to dig ourselves out of the infrastructure deficit that we have, if we're going to take and remedy gridlock and we're going to bring business back into our urban areas in Ontario, we're going to have to do better at planning our infrastructure.

Mr. Douglas C. Holyday: But to get the best value for our tax dollars, we have to take a look at more than just the original construction and capital cost to create something.

Mr. David Zurawel: Yes.

Mr. Douglas C. Holyday: We have to take a look at the longer picture of the life cycle and life costs of what we're creating to truly know what it's costing us over a period of time, and that would include the ongoing maintenance of it, the total lifespan of it, and I guess the capacity of it as you go into the future.

Sometimes we operate in haste because the dollars today reflect what we do because it's less than something else, but over the long haul, that might not be the right thing to do. Would you agree to that?

Mr. Rosario Marchese: You agree.

Mr. David Zurawel: It's hard to argue with. Yes.

Mr. Douglas C. Holyday: Thank you very much.

Mr. David Zurawel: Thank you.

Mr. Frank Klees: Gentlemen, thank you for your submission.

You're familiar with the bill that was tabled by the minister, his long-term infrastructure proposed legislation. Mr. Thurston, you're quoted in his press release in support of that legislation. Just out of interest, when did you see the legislation to be able to comment on it?

Mr. Clive Thurston: I was brought in for a consultation a week before it was tabled. I didn't get to see it; it was read to me. I don't understand why that's the way we do things, but—

Mr. Frank Klees: Well, let me just say that you had much more of an advantage than I did as critic because I was offered a briefing that was going to take place a week after it was tabled, and I was actually able to secure a few minutes with staff about two hours before it was actually tabled. It was good to see your quote. You obviously knew more about the legislation than I did.

I reviewed that legislation, and there are a lot of principles that I can support. The long-term plan for infra-

structure I think is something that everyone would support.

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The bill makes reference to a long-term infrastructure plan that should contain some 10 years of planning. Unfortunately, they're not planning on tabling that 10-year plan for at least another three years, which gives us some concern, but an important part of this long-term plan is the commitment to an inventory of existing infrastructure—essentially an asset management program, which is something that we've been advocating for a very long time, and without knowing what the existing inventory of our infrastructure is and its condition, how do we know how to prioritize investment in infrastructure?

Now, what is missing here, though, in this legislation—and I'd like your comment on this—is any reference at all as to how we're going to achieve getting that inventory.

There is somewhat of an asset management plan now that was sponsored by Good Roads, and it has to do primarily with bridges as a starting point. The Ministry of Transportation has invested, I believe, some \$750,000 in getting that program up and started.

I'd like your view on the concept of having a mandatory, province-wide asset management program that would require having an inventory and a state of repair for our infrastructure assets in this province and, in your opinion, how we can get there.

Mr. Clive Thurston: That's a very good question. Certainly I think we all support having to do that. If you don't know what's out there, how can you plan? So it is important to do that study. That was another piece we were pleased to see within it.

In having legislation explained to me by my experts, it's my understanding that legislation is meant to enable things to happen. So the principles are there, as you say, and now how we get it done is the real work, where we have to meet and start doing it. This is why we're pushing for industry involvement.

There has to be an audit. There has to be a study done to identify the things that you've said. Without that, we could be going off in the wrong direction, and that's not what we want to do. This is what it's all about, about working together and planning together. If we don't do that and people just say, "Oh, look, we need a bridge over here," and they go build a bridge, but they don't realize there's no way to bring anything to that bridge, or that the roads that go to that hospital that's going to be built are so bad that ambulances will do more damage to the patient on the way there, then we're not solving the problem. The deficit that Mr. Zurawel talked about, we have to get a handle on it. We've got to know what's out there.

Another one of our members, RCCAO, does a lot of these studies. They put one out recently on some bridges, and ORBA does things on roads. So we have people we know who can do these studies and bring them in. We are pushing for that and we do support it.

Mr. Frank Klees: So without that, we have what we've been getting for the last decade from this government, which is a lot of announcements about infrastructure projects and a lot of ribbon-cuttings on projects that are nice, that provide some good political push. But to your point, what is the sense of cutting a ribbon on a new library if the wastewater management pipes underneath that library are in such disrepair that they actually could result in a health and safety risk to that municipality?

Again, the minister is very good at making pronouncements such as we have in his new bill. The problem is the follow-through and the implementation. We will be challenging him on that, and if in fact he has committed to an infrastructure inventory, then along with that must come mandating that asset management program and also providing some financial resources to ensure it gets implemented—because you can't just simply download the concept and expect municipalities then to step up and implement that.

I think what I'm hearing from you is that you support the principle but, again, as with any other legislation, if all we have is a framework and it doesn't get backfilled by some substance and some implementation enabling it, 10 years from now we're going to be right back where we were and we're no further ahead.

We would look to your organization to help us with the practical recommendations in terms of what that asset management program could look like both for municipally and provincially owned infrastructure assets and how we could move that forward. We would appreciate your support on that.

Mr. Clive Thurston: And you can count on it. We've told the minister the same thing.

One of the things we mentioned to the minister—and you'll know where I stole it from, Frank—is take the ribbon-cutting out of the projects. It's time that we put projects first, based on need, not on political expediency. We believe that, and I believe this minister believes it, too—and you know I stole it from you some time ago.

But I agree: We have to do the managing; we have to do the asset—know what's there. We've got to do this based on technical and expert needs and what the market says we need. If we don't need that library right now but there's another community that does need that library, then that's the library that gets built. But before we build it or renovate it, what's there? Should the first job be to fix its infrastructure underneath before you build the new one?

These are the technical things that we bring to the table, and we do have experts and we do have a number of people who we work with who can provide that information. I know my friend Andy Manahan is a big proponent of this, and he's working through the alliance to provide the government with some suggestions on how to go about doing that, which we're supporting. I don't have all the details on it right now, but I do know that it's out there and that we've been discussing it at the alliance.

Mr. Frank Klees: Chair, how much more time do I have?

The Chair (Mr. Lorenzo Berardinetti): You have about two minutes and 30 seconds.

Mr. Frank Klees: I'd like to just quickly touch on the bundling issue. To your point, I think we all agree that we want to use efficient ways of procurement. What I have heard, however, from many Ontario businesses, small and medium-sized contractors, is that the way Infrastructure Ontario is using bundling, many Ontario businesses are being left out of the loop because of the size of the contracts, the size of the consortiums—that Ontario businesses simply can't compete, they can't even engage in that size of contract; and so they're left on the outside, ultimately welcomed into a consortium and often blackmailed, because they're being told, "Look, if you want in here, here are the terms on which you have to participate." As a result, we're driving an awful lot of that business into the multinational arms, if I can put it that way, and we're actually putting Ontario businesses at a disadvantage. I'd appreciate your comments on that.

Mr. Clive Thurston: Bundling is a tricky thing. As we've said in our presentation, there are circumstances where bundling makes sense. RCCAO has just released a bridge study that can show the benefit of bundling those bridges. Another example is the athletes' village being built, which is under budget and going ahead gangbusters. That was a huge project, a lot of individual buildings. You could have broken them up, but they're all on the same site, so it made sense to bundle them, and it worked.

But there are far more examples of bundling being used to reach that \$100-million mark, just simply put the projects together so we can reach \$100 million and go AFP. That, we oppose. That can't happen and that is what is killing, or hollowing out, our domestic industry right now: architects, engineers and contractors.

The Chair (Mr. Lorenzo Berardinetti): Okay. We have to stop there and move on.

Mr. Frank Klees: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Everyone has 10 more minutes. We'll start with the NDP.

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Mr. Rosario Marchese: Very good. Thank you.

Clive, I just want to thank you for the work that your team is doing, because I think it's offering very, very good advice in terms of how we should proceed. I want to say that before I end, because I think we need that kind of objective perspective on what has been happening. I want to say that your point about life cycle impact is an important one, and a number of critics have been raising that against the P3s because that life cycle is not taken into account.

As we look at the federal government, which is totally committed to P3s—God bless them; that party shall remain nameless—they only give support to governments, municipal and provincial, if they actually adopt P3s, which is an insane thing to do. Talk about lack of objectivity. It's a serious problem.

Infrastructure Ontario appears to be as equally committed to P3s, which speaks to lack of objectivity, in spite

of all of the blah-blah about evidence-based thinking around these projects.

The life cycle speaks well to a number of problems that have been raised by a number of critics, and the governments so far, at both levels, have disregarded that. It's an important point because, as you talk about the low bid, the low bid doesn't take into account those life cycle problems. Things change over a five, 10-, 15-, 20-, 25-, 30-year period and nobody thinks about what that implies in terms of costs. It doesn't give the government the flexibility to act, if it needs to, after five or 10 or 15 years, as various governments are committed to these P3s in terms of getting a low bid and because of the "private sector does it better" blah-blah. So your analysis has been very, very helpful.

Mr. McCuaig said, in terms of bundling, he does not consider the Crosstown as being "a bundled project." He said, "It is a single project." Do you have a comment on that?

Mr. Clive Thurston: It's a single project made up of a number of parts, which, to us, is bundled.

Mr. Rosario Marchese: Of course.

Mr. Clive Thurston: We know from our sources at the TTC and in Metrolinx that the term "bundling" was used in the negotiations. So with all due respect to Mr. McCuaig, it's a bundled project.

There's a \$400-million maintenance yard in that project. Why? Why? I can give you eight bidders on that project, and it could go ahead now and not wait. As you know, the RFP is not even out yet. So we're still waiting, before this even starts to go to competition.

A \$400-million maintenance yard: Why is it part of that bundle? It doesn't have to be. There are 25 stations.

We recently completed a series of upgrades to OPP stations—

Mr. Rosario Marchese: And why do you think they're doing that, Clive, when you were saying it's insane?

Mr. Clive Thurston: We did not get an adequate answer, in our opinion. We were told that they did the market research—

Mr. Rosario Marchese: Right—objective.

Mr. Clive Thurston: —and I've mentioned that before. We sat back and waited for what we knew would happen to happen, and it did. It just somehow seems not enough to say, "We told you so," but—okay, they're going ahead with it.

As you know, the alliance took a strong stand, mostly because the protocol wasn't followed, first off. The ink hadn't even dried on the protocol paper and out came the Eglinton Crosstown, so that got the alliance's attention.

The shutting out of numerous, numerous contractors and architects was noticed, even among my board of directors. Some of the largest firms in Canada are my members, and they were just shocked at the size of this project.

I'm a history student, a history major, and I study history. I always say, and there's an old saying, that history tends to repeat itself. The "bigger is better" belief that is being currently pushed on us is not new. We have had

cartels, monopolies, trusts throughout history—railways, mines, computers. It never worked. Every last one of them required government to step in and break them up. Bigger does not always mean better.

Mr. Rosario Marchese: Yes.

Mr. Clive Thurston: That said, if it's done right—as I said, certain projects have worked well: the OPP stations, which Bird did. They went out and hired local contractors across the province to build the stations under the Bird contract. To my knowledge—and they're all my members; in fact, there are no P3 projects built that aren't my members, just to put a little plug in for the OGCA—I didn't hear any complaints. They did it. But we have heard of other ones for other non-OGCA members where things that Mr. Klees mentioned and you've mentioned—I won't use the term that he used, but I will say undue pressure has been brought to bear on various people that is unfair. That is because people aren't held to working under our rules; hence, local knowledge, which we're bringing in. So you're right, it is a problem.

The Crosstown we objected to because, first off, the protocol wasn't followed. Secondly, we had complaints from across the province from companies quite large enough to take on significant parts of that project that didn't get a shot at it or decided not to take the risk. Remember, this is all about risk transfer.

Mr. Rosario Marchese: Yes.

Mr. Clive Thurston: And that costs you money. The bigger the project, the greater the risk, the more money we build in. We build in future legal fees that you're going to pay for whether we use them or not.

Mr. Rosario Marchese: Clive, I've got a few quick questions; time is going to run out. You indicated that if we go ahead with this single project we would be losing—the treasury, the taxpayers—\$500 million or so should we continue in this way. Did you get a hearing from anyone with respect to that criticism or with respect to the loss of \$500 million?

Mr. Clive Thurston: Oh, I got a lot of calls, including from one of my members. That figure, just to be clear, was one developed by construction estimators who are familiar with AFP projects and doing transit. A number of our firms put their estimators on it to figure out what could have been done had this been broken up into smaller projects. For obvious reasons, I couldn't identify who those people are, so I haven't really pushed that point because unless they're prepared to stand up and identify themselves, I don't think that's fair. But, yes, we had an analysis done by construction-trained estimators from several major companies who said that if you broke it up, maybe into three parts—the stations, the track tunnelling and the maintenance yard—you could save up to that amount of money, absolutely.

Mr. Rosario Marchese: Very good. Clive, I've got another question. How much time do we have, Chair?

The Chair (Mr. Lorenzo Berardinetti): Two and a half minutes.

Mr. Rosario Marchese: Very good. I was trying to understand the behaviour of a private partner who has

been hired to assume so much risk from the public sector but then borrows a ton of money from people who presumably don't want the risk either. So where does the risk really go? Mr. Murphy, who is a partner with McMillan LLP, said that the benefit of a private investor is that the risk is dropped down to the contractor or the subcontractor. Is that correct, in your view?

Mr. Clive Thurston: That's how it's supposed to work. Everything runs downhill, unless you've got a sewage ejector to pump it back up. That usually happens when the company goes bust, and it happened in California. A consortium—all the risk was passed down. The consortium went bust. If there's no money, guess who pays? The ultimate risk lies with the taxpayer. No matter how you dress it up and how fancy you get, ultimately the risk is to the taxpayer. It's taxpayers' money that is paying for it, and if it's not being designed properly and not being engineered properly, the costs go up, and that's taxpayer money at risk. If a consortium fails and goes back to Europe, who is going to pay? I don't care how many letters of credit you've got on hand, you're not going to cover the cost, and the government and the taxpayer are going to have to cover it. This is why we want more careful planning.

With all due respect to that gentleman—and I know he's a lawyer—yes, it does run downhill, but if there's no place for it to run, it goes right back up again, and that has happened. It has been documented in several cases where consortiums have gone down. That's what you have to be so careful about: the financing and where it's coming from. It's the financing that is driving these projects. If the financing could be removed from the equation, more contractors could compete. Far more contractors could compete if you remove the financing element out of the formula. We met about five years ago to try to persuade IO at the time, under its then leader, David Livingston, but they didn't want to talk about it. So there are other methods, and they need to be looked at.

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For certain, the most disturbing thing we're seeing now is projects going down to the \$50-million level, where they're build-finance. I've got members who can knock off \$40-million or \$50-million jobs in their sleep, but to provide the financing is too great a risk for them—major companies that are well known in this province.

I asked IO just recently, "Where did this change in policy come from? Why has it suddenly gone from \$100 million to \$50 million?" The minister didn't know, either. I think he's looking into it now. Why? Fifty million dollars is an average project. I can give you six bidders in a heartbeat—lots of competition: architects, engineers. You make it build-finance, your price goes up and you get fewer bidders.

The Chair (Mr. Lorenzo Berardinetti): I'm going to have to stop you there.

Mr. Rosario Marchese: Thanks very much, Clive.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We have to move on now to the Liberal Party for 10 minutes. Ms. Hunter.

Ms. Mitzie Hunter: I certainly appreciate the input that you're providing and hope that you continue to work with IO and Metrolinx on improving the procurement process.

I want to talk about the Metrolinx Big Move 25-year plan for transit and transportation for the GTHA. This is a visionary document. They have come before this committee. My understanding is that part of the \$50 billion for infrastructure also covers the replacement of that infrastructure. So it might not meet the threshold that you've proposed to us today, and it would be worth looking into that, but there is some built into that.

In terms of your members' or your industry's perspective, how does having that 25-year plan allow your members to participate and to prepare for infrastructure projects that need to be built?

Mr. Clive Thurston: As we've said, long-term planning is a benefit. Why? Because our members, whether they're road builders or whatever, can figure out equipment needs. How much equipment are they going to have to buy over the next 10 years to meet the demand? If we know what projects are coming and when they're coming, and it's in a pipeline, which is currently the process, we can plan. We can plan employment. We can plan resources. We can balance where we're going to go and where we're going to put our effort.

If we go back to the old days where nobody committed or said, "Oh, we're going to build this," and we start to gear up for it, and then another government comes in and says, "You know what? We can't spend that money, so we're not doing it," well, we just wasted all our time.

We've gotten smarter over the years. We don't gear up until the papers come out. But that causes delays. If we have a committed long-term plan that says, "This is what we need to do, through the audit, through identifying what needs to be done. This is where we're going," we can ramp up. Our members can prepare for it, whether it's sewer and water main or whoever.

The federal government has passed legislation requiring upgrades to all of the water treatment plants on all of the aboriginal reserves. That's fixed. They're going to do that. So my members are gearing up for that.

But at the municipal and provincial levels, it's always been a problem. Provincially, it has gotten better. Municipal is just a basket case. In fact, it would be my recommendation that all municipal construction be taken away from them and given to someone who knows what they're doing. But it's terrible. We don't know; we can't plan for municipalities.

Their system of payment, where it runs out at the end of the year and then they've got to come back to get the rest of the money when it's a five-year project—if you're going to put out a five-year project, put all of the financing in place for five years, and let's just get on with it. That doesn't happen today. We need to know what's coming. The more we know, the better we can plan. We can hire people, we can buy equipment, and we can be ready to deliver and hit the ground running.

Ms. Mitzie Hunter: Okay. So conversely, how would your members be affected? The PCs have talked about

cancelling the LRT projects that are currently planned. How would this plan impact the longer-term plan?

Mr. David Zurawel: Governments will commit to projects, and if there's a change in government, there can be a change in projects. There is always going to be a project out there that needs to be done, not to be glib. No one would want to lose a project of that magnitude.

It's hard to say. I mean, it's a hypothetical question: What would the impact be? We don't know how that project is going to be awarded. We don't know whether it would be a large consortium, whether it would be a number of smaller pieces that other companies would bid on. How many of our businesses would be involved? How many jobs would that be? How much financing would that include? How much equipment would that require? We don't know.

What we can say is that the infrastructure is there. There is a demand, and if one project is cancelled, there will be another one. I think we can all appreciate the fact that any segment of the economy functions best when there is some degree of certainty. Then if there is a commitment that a project would be tendered and constructed, and people were engaged to engage in that project, it would be in everybody's best interest that it continue. To lock up part of the system because there's going to be a cancellation of a project, for whatever reason, would not be helpful.

Ms. Mitzie Hunter: Can we talk a little bit about the cost of congestion in the GTHA? A lot of economists and think tanks have talked about \$6 billion a year in lost productivity and wages. What are your thoughts on that number and its impact? Do you believe that's an accurate number?

Mr. David Zurawel: There has been a lot of research done around that number. I believe it was the Toronto chamber or the greater Toronto chamber that did the research with a number of other organizations to come up with that number. That's independent research. We have to assume that that number is accurate.

That reality around congestion and gridlock—we can see the tangible effects of that. The vacancy rate for businesses in Toronto has gone up. The cost of doing business in downtown Toronto and other urban areas has gone up. In recent years, there has been a flight to the suburbs because taxes are lower and the cost of commuting for people's employees is lower. So there is a real, definite cost to that congestion. We need to remedy that and we need to continue with developing the plan to resolve that congestion problem.

Ms. Mitzie Hunter: Metrolinx has led a public discussion about the cost of congestion and the need for transportation and transit investments. Do you believe that providing that independent advice is helping our region come to terms with the need for investment?

Mr. David Zurawel: It's hard to say no to consultation. We do need governments to speak to us as taxpayers and as businesses. I think we need to be mindful of what the scope of that conversation is. What are the questions that are being asked, what is the answer that is being

sought and what is being done with the answers and the input that are being provided to government? It's good to consult. I think people want to know that if they are going to engage with government, what they have to say will be used constructively and, ultimately, to help shape the outcome. So in that respect, consultation is helpful.

Ms. Mitzie Hunter: You talked about the role of the province in infrastructure planning and investment, and also made a comment on municipalities. What do you believe is the federal government's place in all of this, and what advice would you give to Metrolinx to better involve and engage the federal government in infrastructure in the GTHA?

Mr. David Zurawel: Infrastructure investment is something that impacts all of us as Canadians. We all live here. I know we're speaking in a provincial context and we're here in Toronto, so there's the provincial and municipal scope of it, but that's the context that we live in.

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But the fact of the matter is that we're talking about—dealing with infrastructure investment is about building societies. It's about providing quality of life for citizens. Because of that, effective infrastructure planning involves all three levels of government. There has to be that level of commitment to citizenry, to ensure we have a high quality of life, that we're going to have a progressive society that's going to see investment in innovation and good business, and to allow us to live our lives in the way that we hope we all can.

I think that if we could provide any recommendations or suggestions to Metrolinx, it would be to continue to try and engage the federal government. The federal government has not been particularly engaged, I think, in any provincial jurisdiction, when it comes to infrastructure development and investment, in any serious, long-term strategic context.

Clive has spoken to some of the comments that Mr. Klees has made, and I think that that fits with where the federal government stands today. They need to do more.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry to interrupt, but time's up, unfortunately. I'm going to have to move on to the Conservative Party for 10 minutes. Mr. Klees.

Mr. Frank Klees: Thank you. Again, I'm going back to the long-term infrastructure proposal from the minister. In the bill, it makes this reference, under subsection 7(1): "The government shall require the following persons to be involved in the preparation of a design for the construction of every infrastructure asset described...."

Then it goes on to list an architect, and, second, reference to "A person, other than an architect, with demonstrable expertise in and experience with design in relation to infrastructure...."

As this was explained to me in the very short briefing that I had, it was that the minister's concept here is that infrastructure projects should be attractive as well as functional, so he wants to ensure that there's a design component to every infrastructure project.

Now, as I thought about this, the question that I have—and we've all seen projects that go through the roof. You get a designer involved—with all due respect—and they have a concept of what it should be. We have a number of buildings like that, certainly in York region, where we regret that we allowed the artistic expression to overtake what should have been a practical infrastructure project. I'd like your view on this aspect of the proposed bill.

Mr. David Zurawel: Sure. If you wouldn't mind, I'll make an initial comment. In talking about design, we're speaking to the minister's office about exactly what constitutes—under subsection 7(1), where the role of engineers would be in this act. Design is important, more than just for esthetic reasons. Design plays heavily into the functionality of an asset. You could even think of more of a horizontal asset project, where you wouldn't actually have a role for an architect. You would have engineers or something—you're looking at a wastewater system or something that's running underground. You don't need an architect for that. A consulting engineer would be able to do the design work for that.

I think there are some tweaks that need to be made to the proposed legislation under subsection 7(1), but there is a role for design to play. Design speaks to functionality as well as esthetics.

Mr. Frank Klees: Just to continue, because a glaring piece that's missing here, I would have thought, is that there's no reference at all to engineers. You've got the architect, you've got the designer. There's something huge missing here, isn't there?

Mr. Clive Thurston: Yes, there is, and when that section was read to us, that was my recommendation. Clearly, they missed the point that engineers had to be mentioned.

We had a lengthy discussion with the two gentlemen who were reading the act to me, and I said, "You don't understand. Architects aren't used on everything. Engineers are used on just as much, if not more, in some cases. We only have two regulated design professionals, engineers and architects, so why not mention them both?" What we got was the word "others." We got that.

Mr. Frank Klees: All right.

Mr. Clive Thurston: But, as you know, it did not help my friend here.

As David said, just to expand, it is important that things not just do their job but that they look good, because it works better on people. You walk into a hospital that is just—well, my father was in a long-term-care home. It was brand new. It was like a warehouse. It was a warehouse, and he deteriorated. We moved him to a private long-term-care home that was like a hotel. It was built like a hotel, with a main street. He came back up and survived. So David's right: It's more than just about that. It can help people's attitude. It can help in more ways than that.

If you've ever been to Scottsdale, Arizona, take a look at the highways when you drive along under those underpasses. They're gorgeous. That didn't cost a lot to do. It's

just build it in at the time. They're gorgeous. But you're right: Designers can sometimes go way overboard. That's why you have general contractors.

Mr. Frank Klees: My last question to you is about the reference in that bill to skills training and apprenticeship, and the reference in the announcement to the fact that the province would, as they put it, employ or engage apprentices in the construction or maintenance of certain provincial infrastructure projects.

I am unclear about just what this means or what the implication is to contractors, to businesses. What the tie-in here may be to the College of Trades, I don't know. This could become a quagmire. I'm hoping that maybe you got more clarity in your briefing than I did, and if so, could you share some insight into this?

Mr. Clive Thurston: I don't think I have enough time, but I'll try. The apprenticeship issue is an extremely political issue, and it's being pushed by people who have no clue how the apprenticeship system works in this province.

We have seen attempts by the board of directors at IO—a certain board member and others—to mandate the use of apprentices on IO projects. There's just one little problem: General contractors do not hire apprentices. We hire companies, who hire apprentices. The ratios are set provincially by the unions. The unions control the flow of apprentices onto a site, not the general contractor.

We have been trying to make this point over and over and over again, but there seems to be a blindness here by a number of people that—"Oh, God. Push apprentices. Push apprentices." It's not working.

I met with the dean of Humber a few weeks ago. She has got hundreds of apprentices coming out of the trades with no jobs, because the College of Trades did not do any research or studies into what trades we actually need—which, by the way, was part of their mandate and which they've dropped.

We saw this as well, and it was read to us. We had been warning the minister over and over again, "Do not get sucked into this quagmire." Apprenticeship is far more complicated. There's a 60% non-completion rate of apprentices in this province. Why? Nobody is looking at that. We're just sending kids into school to become apprentices.

We're trying to tell contractors to hire apprentices. We don't hire them. We're governed by our collective agreements, and we're governed by the ratios that are set. If you put that into a tender, it is absolutely meaningless, because we can't meet it.

When this was read to me in the briefing, I said, "Why are you going there? Why are you doing this?" As it was explained to me, it's worded that way to give us a forum to have a full and open discussion on apprenticeship. That's what I was told, and that's what I'm holding them to.

We met with IO on the apprenticeship issue last year and in subsequent meetings, trying to address this, because they were under a lot of political pressure to build this into their contracts. I thought their job was to provide projects to get built, not socially engineer our industry.

1010

It's a complicated issue; it needs a lot more thought. Why is there such a low completion rate? What trades do we really need? You heard five years ago that in 10 years we're going to need 10,000 workers or whatever the number is. We're five years into it, and guess what? We don't need them.

I'm one of the few people who talks straight about this, because so much money and political will has been invested in this myth of needing workers—and it is a myth. I was at a graduation of 150 electrical apprentices up in Ottawa. Not one of them got a placement—not one. I lecture in the colleges. I can tell you, the students are pissed. They've been talked into taking these courses—even the retraining students—to become tradesmen, and there are no jobs.

We have to wake up to this myth, take the politics out of it and have an honest discussion on apprenticeship and training in this province, and it ain't going to happen at the College of Trades. They already dropped that whole aspect of their mandate. It's gone. It's a mess, and now they're facing legal challenges, which we predicted would happen.

The College of Trades could have been a good force. We supported it in the beginning because apprenticeship is important; training is important. But what's more important is—you talked about having to do the inventory of infrastructure and how important that is. Is it not just as important to figure out who we're going to need and what trades we're going to need, what's the current situation? Isn't that just as important before you go ahead, legislating that people do things?

The Chair (Mr. Lorenzo Berardinetti): I'm going to have to cut you off there.

Mr. Clive Thurston: Yes. So we're fighting.

The Chair (Mr. Lorenzo Berardinetti): I want to be fair to all parties. That's the time allocated for today's presentation. Thank you very much for your presentation. That concludes the presentations.

There is one other item of business. Mr. Marchese has distributed some information.

Mr. Rosario Marchese: I'll be right there.

The Chair (Mr. Lorenzo Berardinetti): Did you want to explain the information that you're requesting?

Mr. Rosario Marchese: Yes. It's a request for information, and I want to move those motions so that it's on the record.

The Chair (Mr. Lorenzo Berardinetti): Has everyone had a chance to read his requests?

Mr. Frank Klees: Yes. No problem.

Mr. Rosario Marchese: But I have to read them for the record.

The Chair (Mr. Lorenzo Berardinetti): You want to read them into the record?

Mr. Rosario Marchese: Is that correct, Madam Clerk? Yes?

The Chair (Mr. Lorenzo Berardinetti): Okay. Go ahead.

Mr. Rosario Marchese: I move that the Standing Committee on Government Agencies request from Metrolinx and the Ministry of Transportation the production of all documents and correspondence related to any market studies conducted between January 1, 2010, and December 3, 2013, related to ridership projections for the air-rail link; and that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable PDF.

The Chair (Mr. Lorenzo Berardinetti): Is there still more?

Mr. Rosario Marchese: Do you want me to read it all through, or do it one by one?

The Chair (Mr. Lorenzo Berardinetti): Yes, you can continue. Read all three.

Mr. Rosario Marchese: The other one? I move that the Standing Committee on Government Agencies request from Metrolinx and the Ministry of Transportation the production of all documents between August 1, 2012, and November 30, 2012, related to the operation of the Eglinton Crosstown; and that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable PDF.

The Chair (Mr. Lorenzo Berardinetti): Number 3?

Mr. Rosario Marchese: I move that the Standing Committee on Government Agencies request from Metrolinx and the Ministry of Transportation the production of all documents related to subway technology in the existing Scarborough RT corridor between July 15, 2013, and September 10, 2013; and that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable PDF.

The Chair (Mr. Lorenzo Berardinetti): Okay, thank you.

Mr. Klees, you have a question?

Mr. Frank Klees: Yes. I just have a question regarding the wording in the previous motion. It says, “related to the operation of the Eglinton Crosstown”. What does the member mean by that?

Mr. Rosario Marchese: “Request ... the production of all documents between ... related to the”—I’m not sure what other word you might be looking for, but it’s about decision-making around the whole Eglinton Crosstown.

Mr. Frank Klees: Okay. Well, the reason I ask the question is that how this is worded can determine what we actually get back.

Mr. Rosario Marchese: Do you have a suggestion, Frank?

Mr. Frank Klees: Well, I would just simply say, “related to any and all planning of the Eglinton Crosstown”. I think that’s broad enough.

Mr. Rosario Marchese: “Related to any and all planning”.

Mr. Frank Klees: Including financial, utilization—

Mr. Rosario Marchese: Utilization? But “any and all planning related to the Eglinton Crosstown”?

Mr. Frank Klees: Yes, I just think it’s a little broader.

Mr. Rosario Marchese: So “related to any and all planning of the Eglinton Crosstown”. So we cross out “the operation”? I’m okay with that.

The Chair (Mr. Lorenzo Berardinetti): Mrs. Albanese?

Mrs. Laura Albanese: Mr. Chair, I would like to ask for a 20-minute recess to consider these. We haven’t seen them before and we would like to ask for a recess.

Mr. Rosario Marchese: Can you request that, given that we’re not going to be able to do that when we come back?

The Chair (Mr. Lorenzo Berardinetti): We’ll have to ask for a consensus for this.

Mr. Rick Bartolucci: Chair, I don’t think we need consensus when we ask for a recess. That’s automatic—

Mr. Frank Klees: This is a motion.

Mr. Rick Bartolucci:—when a motion is introduced.

Mr. Frank Klees: Once a motion is introduced, we’re entitled to have a vote on it. If they want a recess, they can take a recess after we have a vote.

Mrs. Laura Albanese: No, I believe we’re entitled to have a recess to consider the motions.

The Chair (Mr. Lorenzo Berardinetti): I’m going to ask.

Mr. Rosario Marchese: Mr. Chair, that’s okay. We’ll do it at the next meeting as the first order of business.

The Chair (Mr. Lorenzo Berardinetti): First order of business at the next meeting? Is that okay? We’ll do this as the first order of business at the next meeting?

Mrs. Laura Albanese: That’s fine.

The Chair (Mr. Lorenzo Berardinetti): We’ll see. We’re going to have to squeeze it in. We have to start at 8:30 or even earlier because we have a presentation next week.

Mr. Rosario Marchese: Yes, we do, but that’s okay. Before we do the presentation, we’ll deal with this motion, and then we’ll do the presentation.

Mr. Rick Bartolucci: Maybe we can iron out the wording of the motion that you want to present before.

Mr. Rosario Marchese: We’re okay with this, but if you in your second sober thought and reflection and pondering come up with better wording once you consult the minister and all the deputy ministers and all the other staff, then we might consider your wording changes. We’ll deal with that in the first order of business, Mr. Chair. I think we can do that.

The Chair (Mr. Lorenzo Berardinetti): Okay, I just want to make sure with the Clerk.

There’s a witness coming at 8:30 next Tuesday. A witness is coming here, and they’ve been told already that they’re going to start at 8:30. So we can either—

Mr. Rosario Marchese: Okay. Can we agree at 8:25 to deal with this issue for five minutes?

Mr. Rick Bartolucci: We don’t know if it will take five minutes, but we will certainly meet at 8:25.

Mr. Rosario Marchese: Okay?

The Chair (Mr. Lorenzo Berardinetti): Meet a bit earlier at 8:25? Is that what you're saying?

Mr. Rick Bartolucci: Sure, if that's what—

The Chair (Mr. Lorenzo Berardinetti): Because we have a witness coming in at 8:30.

Go ahead.

Ms. Cindy Forster: My understanding is that unanimous consent trumps everything in here anyway. So if all three parties agree to deal with this issue first, then the witness will just have to wait for a few minutes.

Mr. Rick Bartolucci: Wait. Exactly. Today we didn't start until 20 to 9.

The Chair (Mr. Lorenzo Berardinetti): All right. Well, I think we'll still start at 8:30, and we'll just spend five minutes hopefully on this. If we don't get it done in

five minutes, then we'll just start listening to the presentation, and then if we have time afterwards, we can continue discussing it.

Mrs. Laura Albanese: Do we want to meet earlier than that?

The Chair (Mr. Lorenzo Berardinetti): I can say let's meet at 8:25. Hopefully, everyone will be here by 8:25.

Mr. Rosario Marchese: We will be here.

Mrs. Laura Albanese: We'll be here. We'll make sure to be here.

The Chair (Mr. Lorenzo Berardinetti): We started a bit late. Okay, so we'll consider this at 8:25 then next week. All right. So we'll stay adjourned until next Tuesday at 8:25. Thank you.

The committee adjourned at 1020.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 10 December 2013

Journal des débats (Hansard)

Mardi 10 décembre 2013

Standing Committee on Government Agencies

Agency review: Metrolinx

Comité permanent des organismes gouvernementaux

Examen des organismes
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 10 December 2013

The committee met at 0833 in committee room 1.

COMMITTEE BUSINESS

The Chair (Mr. Lorenzo Berardinetti): Good morning, everybody. We're starting today a bit earlier, and I want to thank everyone for being here a bit earlier.

The first item on the agenda is the consideration of the motion that was brought forward by Mr. Marchese at the last meeting. We were supposed to spend five minutes on that motion. I think you've read it into the record.

Mr. Rosario Marchese: Yes.

The Chair (Mr. Lorenzo Berardinetti): All three, or was it one motion?

Mr. Rosario Marchese: All three, yes.

The Chair (Mr. Lorenzo Berardinetti): Okay. We're going to move them one at a time.

Mr. Rick Bartolucci: Chair?

The Chair (Mr. Lorenzo Berardinetti): Yes, Mr. Bartolucci?

Mr. Rick Bartolucci: Just before we start, we have some substantial amendments. We're wondering if we could get concurrence from the committee, because we have a guest waiting to offer her testimony—if we can move this to the end of the meeting?

Mr. Rosario Marchese: Sure. Can I get a hint of what your substantial amendments sound like or look like?

Mr. Rick Bartolucci: Yes. They have to do with timing—

Mr. Rosario Marchese: And could we get a copy of your substantial amendments, so that I could review them in the meantime?

Mr. Rick Bartolucci: I am sure that we'll be able to supply those by the end of the meeting, yes.

Mr. Rosario Marchese: So you have substantial amendments that you haven't seen and that you will supply at the end of the meeting?

Mr. Rick Bartolucci: No, no. I've got them, we've got them, but I don't think we have a whole lot of copies. We'll get them made and we'll make sure that you get them.

Mr. Rosario Marchese: You guys crack me up.

Mr. Rick Bartolucci: Well, you know—

Mr. Rosario Marchese: Mr. Chair, if you don't mind, I think Sylwia could photocopy those quickly and get us a copy as quickly as possible, so I could see those substantive amendments.

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 10 décembre 2013

The Chair (Mr. Lorenzo Berardinetti): Okay. Are we all agreed on that?

Mr. Kevin Daniel Flynn: That'll probably take five minutes.

Mr. Rick Bartolucci: Do you want to take a 20-minute break or a five-minute break?

Mr. Rosario Marchese: No, no, no. We will continue with our meeting. In the meantime, those will be photocopied and circulated, so I have a good chance to see the substantive amendments.

Mr. Rick Bartolucci: That's not a problem.

The Chair (Mr. Lorenzo Berardinetti): All right. Are we okay with that?

Mr. Kevin Daniel Flynn: It will take five or 10 minutes.

Mr. Rosario Marchese: And in the meantime, we can hear this.

Mr. Rick Bartolucci: No problem. Thanks very much.

The Chair (Mr. Lorenzo Berardinetti): So we have agreement to consider the motion at the end of the meeting? Do we have agreement on that?

Mr. Rosario Marchese: I can cut down my time for questions in order to be able to have enough time for this in the end.

The Chair (Mr. Lorenzo Berardinetti): All right, thank you. So we'll do that at the end of the meeting.

SUBCOMMITTEE REPORT

The Chair (Mr. Lorenzo Berardinetti): The report of the subcommittee meeting dated Thursday, December 5, 2013—is anyone going to move a motion to adopt that?

Mr. Rick Bartolucci: It's a substantive text as well.

I move adoption of the subcommittee report on intended appointments dated December 5, 2013.

The Chair (Mr. Lorenzo Berardinetti): Okay. Any discussion? None? All those in favour? Opposed? That carries.

AGENCY REVIEW: METROLINX

CITY OF MISSISSAUGA

The Chair (Mr. Lorenzo Berardinetti): The next item on the agenda is the city of Mississauga. We have

Bonnie Crombie, city councillor, ward 5, and Janice Baker, the city manager. Good morning and welcome.

Ms. Bonnie Crombie: Good morning. Give us a second to get settled in here.

The Chair (Mr. Lorenzo Berardinetti): Please take your seats and take your time. Good morning.

Ms. Bonnie Crombie: Good morning.

Ms. Janice Baker: Good morning.

The Chair (Mr. Lorenzo Berardinetti): You have up to half an hour for your presentation. Just to explain to everyone here today at the meeting, after your presentation we're going to do one round of—

Ms. Bonnie Crombie: Q and A?

The Chair (Mr. Lorenzo Berardinetti):—questions and so forth. This time we'll start with the Liberal Party, because last time we started with—I think it was the Conservative Party.

Mr. Rosario Marchese: It was the third party, and now it's the government.

The Chair (Mr. Lorenzo Berardinetti): That's right, yes. So the government will go first, then each of the other parties, for 15 minutes. Then we'll do a second rotation of 10 minutes, okay? That's what we'll do, and then we'll deal with the other item at the very end of the meeting.

Ms. Bonnie Crombie: Can we start?

The Chair (Mr. Lorenzo Berardinetti): Please. Good morning, again. Welcome.

Ms. Bonnie Crombie: Terrific. Good morning, everyone. Mr. Chair and members of the committee, thank you for the opportunity to address you today. I'm pleased to be joined by our city manager and chief administrative officer, Janice Baker. I understand we have 30 minutes to give opening remarks, and I don't believe we'll use the entire time but the majority of it. During the question period, Janice will be available to answer any questions of a technical nature that I may not be familiar with.

With respect to my background, before I was a city councillor I was a member of Parliament for Mississauga–Streetsville. During that time, I served on the Standing Committee on Transportation and Infrastructure, and advocated for Mississauga's needs at the federal level, so I'm used to sitting at your side of the table in your side of the room and asking the questions, not so much answering them. But we'll see; I'm sure we'll be fine.

0840

My time as an MP has given me a unique perspective, and now, as a city councillor, it has given me a better understanding of our city's needs in relation to other levels of government, as well as the critical need for investments in transit and transportation infrastructure.

I understand that I am here today to provide my comments on behalf of the city of Mississauga about Metrolinx as a government agency. I understand that you're conducting this review to, among other things, gauge the effectiveness of Metrolinx and its role in transit and in transportation planning in Ontario. I also understand that you're seeking the perspective of the city of Mississauga

on Metrolinx, the investments it has made and plans to make, and likely the proposed revenue tools to fund these investments. I am pleased to be here to provide comments on behalf of my colleagues on Mississauga city council and our mayor, Hazel McCallion.

I should tell you that I have been advocating for increased investments in our transit and transportation infrastructure since I first took office and look forward to seeing the Metrolinx plans become a reality sooner rather than later, especially in Mississauga.

The city of Mississauga's council has been quite clear on the subject of transit and transportation, and we speak with a single voice. Our goal is simple: to get residents in Mississauga moving by car, bus, GO train and, hopefully in the very near future, light rail transit.

Our council recently struck a transportation committee that meets every three weeks and includes all members of council. We believe that the issues related to transit and transportation are of such great concern to our city and its residents that we have established an entirely separate committee to deal with this issue specifically.

Mississauga is home to 730,000 residents and is part of Peel region, which is home to over 1.2 million people. In the past 20 years, Mississauga has grown by 260,000 people—more than a quarter of a million—and we've created over 140,000 new jobs. We are a growing city with ever-increasing challenges, transit and transportation principal among them.

We are a strategic hub next to Toronto, within reach of five 400-series highways. Our southern shore is Lake Ontario, and we're home to the Toronto Pearson International Airport, or, as Mayor McCallion likes to joke, the Mississauga international airport.

This access to road, air, rail and water makes us an attractive destination for many businesses, including the headquarters of 62 Fortune 500 companies and over 50,000 small and medium-sized businesses and many new residents from every country on the earth.

Our competitive advantage is in large part based on our ability to move people and goods quickly and efficiently. Although we began as a bedroom community to Toronto, our residents now travel to work in all areas of the GTHA, and we have become the sixth-largest city in Canada. In fact, recent studies by our economic development office show that we have become a net importer of jobs.

You are likely not aware, but at the morning peak period, over 92,000 Mississaugans start and end the morning commute within our city limits, but 140,000 GTHA residents are also destined into Mississauga from the surrounding GTHA region every morning. In total, over 417,000 people work in Mississauga every day. We bring in a workforce that's the size of a small city every day. Moving these people efficiently is becoming an increasing challenge, as they're not coming from a single destination, but from across a very large region.

The net result of this growth and increased travel demand is that our transportation infrastructure needs—and also our growing congestion—extends beyond

municipal borders. They become regional challenges that affect our economy and our way of life.

In my ward, for instance, which encompasses the northeastern portion of Mississauga, I'm often asked by residents how they can quickly and reliably commute not only to Toronto, but also to Milton, Oakville, Brampton and even Scarborough. More and more, people are forced to work further from their homes and they need an efficient way to get there. There is no longer a predictable east-west commuter flow, and commuters need seamless integration between transportation networks across the entire region.

This isn't news to you, but right now GTHA residents have one of the longest commutes in North America, spending an average of 82 minutes every day in their car or on public transit. This is increasing yearly, and must change. This means time away from the family, decreased economic competitiveness and a disintegration of communities; if you spend three hours a day commuting, it's tough to be involved in your local community.

In addition to 80,000 residents in my ward, I also represent 45% of all the businesses in Mississauga, and what I hear from them most frequently is about their ability—or frankly, their inability, in many cases—to attract employees. One of the biggest barriers they face is physically getting their employees to their place of employment.

The Airport Corporate Centre, for instance, has taken an initiative, running shuttle buses three times a day to the Islington subway station to ferry employees to and from transit. They do this at their own cost and keenly await the Mississauga BRT, opening soon, as well as continued investments in improved local transit to meet their needs.

Another example is the GTAA—the airport, of course—which employs close to 40,000 people directly and about 185,000 people through indirect jobs related to airport businesses. They share the same concern, but on a larger scale. Not only do they have to contend with getting people to the airport so that they may travel around the world, they also have to get a small city to and from work every day.

Support for Metrolinx: It is for this reason and many others that Mississauga city council has expressed support for Metrolinx in general, and the Big Move plan in particular, and we are very eager to see the Next Wave implemented. The organization is in a very unique position to consider the broader region-wide perspective, and deliver a regional transportation system that is integrated, viable and cost-effective. We cannot do this alone, but we must work together with our regional partners. Metrolinx is able to coordinate this in a way that no other body can. They remove politics and parochialism from the agenda.

In Mississauga, we understand that our competitiveness is tied to our ability to keep people moving and to give them efficient and reliable options for their daily travel. It is estimated that congestion will cost the GTHA

\$6 billion annually, and nowhere is this more pronounced than in Mississauga.

You only have to look at the 401, the 410, the 403, the QEW, Hurontario Street and Eglinton Avenue in the morning and afternoon rush hours to see our clogged roads and arteries, and buses stuck in traffic. Because residents of the GTHA often travel outside of their municipality to work, our transit and transportation networks must be planned on a regional, rather than city-specific basis.

In Mississauga, we too often feel that transit and transportation planning is Toronto-focused. The talk is about subways versus streetcars, and occasionally LRTs, but never about regional connectivity with the surrounding 905.

From our perspective, for those of us in the 905, Metrolinx is a critically important body. It looks at the issue of transit and transportation planning from a regional perspective and makes decisions based on what projects make the most sense; in other words, what projects will create an integrated network that will allow people and goods to move quickly and efficiently. More importantly, it transcends the local and regional transit systems in the GTHA, and looks at the system holistically.

While investments in Toronto transit are important, so too are investments in transit and transportation in the 905. Subways must connect to other transit. Toronto has a population of 2.6 million people, but the 905 has a population of roughly 3.4 million people—one third of them in Peel region, and growing every year. In total, over 6.5 million people call the GTHA home, and that is projected to grow by four million people in the next 20 years.

0850

Transit is no longer local; it is regional and interconnected. This is our reality, and our planning must reflect this. While Metrolinx is in charge of planning at a regional level, a portion of the revenues that are raised are to be invested in local transit projects at the discretion of other local municipalities. Metrolinx works in collaboration with municipal planners and transit providers to ensure local and regional input, as well as expertise. This, too, is important, as local municipalities know best what their immediate and local transit demands are.

The Hurontario LRT is an excellent example of collaborative regional planning. When completed, it will run 23 kilometres from the Lakeshore to Brampton, connecting two cities and providing greater regional connectivity. We essentially have a bus rapid transit system already running on Hurontario now, moving over 25,000 people every day. The LRT has the capacity to move many more, up to 6,000 per hour, compared to roughly 900 people per hour by car, per lane of traffic. With the growth and intensity planned for the Hurontario corridor, the demand for quick, efficient transit will only rise.

It will be incredibly difficult for us to accommodate the growth and the increased intensification mandated in the Places to Grow Act without adequate transit and

transportation investments. This could lead us to slowing development until we have the necessary infrastructure in place to accommodate this significant planned growth. It's not simply about one project here or there but an integrated regional network. The population growth in Mississauga has a direct effect on other areas of the region, and our planning must reflect this.

We will move more people with an LRT and four lanes of traffic than by bus with many more lanes of traffic, and that's a reality. We can continue to widen and build more roadways, but they will only continue to be filled by more cars and yet carry fewer people.

We have done our homework, as Mayor McCallion likes to say. We have undertaken thorough consultation and put in place the necessary resources to begin work on this project. Our council has been unanimous in its support of the Hurontario LRT, and we are eager to get moving on this project as our density continues to increase along the Hurontario corridor.

I'm concerned about any attempt to change the project this late in the game. We have spent significant resources to date on consultations and the necessary background work to be ready to build this project. To change the plan at this late stage would be detrimental and would push back the project indefinitely, and it would be a waste of money and thousands of hours of work and study. And it's time to get moving, frankly.

I will take the opportunity here to diverge for a moment to pre-empt any questions about Brampton's commitment to the project. Their council recently passed a motion in support of the LRT. They have concerns about the revenue tools, but they do support the plan to build the LRT.

The Metrolinx plan will connect Brampton and Mississauga. It's an example of the clout they have to cut across municipal boundaries and propose projects that benefit multiple jurisdictions. The same is likely true for the east-west Mississauga bus rapid transitway, the BRT, that connects Mississauga residents to the TTC subway and vice versa. And there are a number of Metrolinx-planned regional projects in the pipeline that will greatly improve the lives of Mississauga residents. These will include:

- the almost completed BRT;
- the planned Hurontario LRT;
- all-day, two-way GO train service on all three western lines;
- improved access to parking at GO train stations;
- an east-west BRT along Dundas Street, eventually connecting Halton to Toronto through Mississauga;
- electrification of the Lakeshore GO line; and
- investments in our highway infrastructure.

We're excited about the next wave of the Big Move and the future investments that will be made. More importantly, we are pleased that there is a plan in place and that, at the very least, revenue tools have been proposed and a discussion has started. We have recognized that this is a serious issue, and it is imperative that we all address it.

Mississauga's fair share: Mississauga residents and city council have made our position clear. We want our fair share of transit funding, and any transit planning must be regional in scope and in scale.

We have supported Metrolinx and the Big Move precisely because it provides Mississauga with exciting new transit and transportation projects that will keep our residents moving and our businesses competitive. The 34 projects of the Big Move represent the most significant investment in transit and transportation planning in a generation, and we believe they must be advanced quickly. When gas inevitably hits \$2.50 or more per litre, we will be demanding solutions.

These projects have long timelines, and they must be started now. It seems obvious, but if we wait another 20 years, we will be 40 years behind. We're already behind many other jurisdictions in North America, in Europe and in Asia that have elaborate and efficient public transit systems.

I was recently in Strasbourg, France. They have integrated light rail transit into city streets that are over 300 years old, and they have practically eliminated cars from their downtown core.

To be successful, we must first build the transit and transportation infrastructure and then create a culture around it. You cannot have a culture that values transit and active transportation without the necessary infrastructure. It is no longer acceptable to lament about the transit investments we didn't make over the past 20 years. The "should haves" just won't cut it anymore.

In terms of investments in transit and transportation infrastructure, I believe we are 25 to 30 years behind where we should be in relation to the rest of the world. It is negatively affecting our economic competitiveness, our prosperity and the health and vitality of our cities and our region. The time for action is now.

The revenue tools: How do we pay for all of this? I know one of the first questions I will get will be how to fund this suite of projects, so I would be remiss if I did not to address the proposed revenue tools. I think everyone agrees that tough choices will have to be made if we want to properly fund the Big Move and realize this suite of projects. What I can tell you is that from Mississauga's perspective, we have considered each of the four revenue tools proposed, as well as the additional three tools that promote positive policy benefits. We have also examined the many other proposed tools that were not part of the final suite.

Of those that were presented, the only one we cannot support is an increase in the property tax because the property tax was never designed to fund major capital projects. In fact, we passed a motion to this effect in April of this year. The Region of Peel also passed a motion this year that did not support the use of municipal finance tools, such as property tax, development charges and land value capture. Our regional council did agree that any revenue tools used must be equitably collected and that all municipalities be consulted about the funding tools before they are implemented.

The city of Mississauga is a tightly run ship—I'm sure you will agree—due in large part to the leadership of our mayor, Hazel McCallion, and our veteran councillors.

Like the Region of Peel, the position of the city of Mississauga is that whatever tools are chosen, they be fair and balanced and not place a disproportionate burden on one municipality or region over another. It is not up to us to decide what tools are implemented. Our primary concern is finding a consistent, stable and dedicated source of funding for our future transit and transportation investments. This requires that all three levels of government be at the table in a meaningful way.

Some in Toronto have recently expressed concern that Toronto taxpayers will be funding 905 projects. Well, we share the same concern, but we fear that the 905 will once again be on the hook for 416 projects. For too many years, the 905 was forced to send funds to Toronto for social programming through a program called "pooling." Over \$64 million flowed from the 905 to the 416; it was disproportionate to the residents in the 905 outside of Toronto and should not be repeated. This type of thinking has to end. We must look at planning from a regional perspective and do what is best for all the taxpayers and ensure equality. A body like Metrolinx allows us to do this. At the end of the day, as we all say, there is only one taxpayer. Metrolinx is the agency entrusted with creating a plan and providing the tools with which to fund these projects. It has created a bold plan which has been approved by municipalities across the GTHA.

0900

In conclusion, planning the future transit and transportation for 10 municipalities—over 7,124 square kilometres—for over six million people is not an easy task. I do not envy Bruce McCuaig or Metrolinx and the task that is before them. However, from Mississauga's perspective, Metrolinx has already begun to make important investments in our future and that of the wider GTHA region.

But to remain effective, Metrolinx must be free from political influence and must be able to do the work that it was tasked to do. The projects we are talking about have a very long timeline, and they will outlive any current government and every current politician. Through projects like the BRT, the Hurontario LRT, all-day two-way GO train service, and many others, Metrolinx is already improving the lives of residents in Mississauga and in the western GTHA.

As I said at the outset, our success is tied to our ability to move goods and people efficiently and effectively. Investing in the infrastructure that allows us to do this is critical to the health of our city and to the economic prosperity of the entire region.

I speak today on behalf of the council of the city of Mississauga and deliver the message that we want to proceed in earnest with the Metrolinx Big Move plan. We support the organization, its mandate and its direction. Our main objective is to build the necessary transit and transportation infrastructure and ensure that as decisions are made, Mississauga is allotted its fair share.

We know the cost of doing nothing is far too high and that investments must be made now. As Mayor McCallion has said many times, you can spend money and do something, or you can spend nothing and change nothing. The time for talk is over. It's time to get moving, and we couldn't agree more.

Thank you very much for the opportunity to appear before you today. Janice Baker and I are happy to take your questions.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. Crombie. We're going to start the rotation with the Liberal Party. They'll have 15 minutes to ask you questions, and then we'll move on to the other parties.

Mr. Kevin Daniel Flynn: Thank you, Bonnie, and welcome, Janice. Thank you both for attending today—great presentation.

Like you, I served at another level of government. I served at the local and regional level in the town of Oakville and the region of Halton for 18 years, and watched as your community grew and watched as our community started to grow in a pretty big way.

We watched some of the growing pains we were both going through. One of those always came back to transit, always came back to either inter-regional transit or inter-city transit or, anyway, that people who were choosing to make our communities their home needed a way to get to work in the morning or needed a way to get back, because they didn't always work in Mississauga and they didn't always work in Oakville. They worked elsewhere but chose to live in those communities.

I don't think anybody at any level of government is getting into heaven on the work we've done in transit in the past. You addressed that in your opening remarks, and that there's no sense in crying over spilt milk and the lost opportunities along the way.

I can just tell you a little story. When I was a lot younger, and my wife and I had just moved to Oakville, she was working in Toronto, and she was using the GO train. In those days it was a single-decker train—it looked more like a subway than what we see on the tracks today—and it was like a sardine can. Whichever government of the day was running it wasn't doing such a good job of it, and people were just crammed in, like you see in scenes from other cities where they have people who actually push people in.

Well, my wife fainted on the way home one day.

Interjection: Oh, goodness.

Mr. Kevin Daniel Flynn: It was so crowded that she fainted, but she couldn't fall down. She actually fainted on her feet. She kind of crumpled, and somebody sort of helped her up eventually. But that's how tight, that's how crowded—those were the conditions that people were putting up with at one point in time.

Flash forward to today: We don't have it all right yet, but when I look at some of the work that's being done in Oakville, when I look at the work that's being done in Clarkson, that enables people to use a service that they really want to use—you know, it's a service that's easy to use. It's one where you can park your car. I know we

went through a period where people were driving to the GO train stations, anticipating finding a parking spot, finding that there was nowhere to park and either parking illegally or not taking the train at all. So I know firsthand some of the impacts that these projects can have on a community on a daily basis, on a very practical basis.

We're talking about the Big Move, which is a big idea, but I think we have to remember that those big ideas provide very meaningful parts of the average person's day, who lives in Peel, Mississauga, Brampton, Oakville, any community like that. The commute is a big part of the day. I'm spending close to three hours a day commuting now, and that's quite typical of somebody in Oakville; that's not unusual, unfortunately. So when people talk about driving in from the rural areas to Toronto, they often forget that there are a number of us here in Toronto who are doing two, three-hour and even longer drives on a daily basis.

I want to talk specifically about the progress that's being made on a number of fronts, and I wonder if you could speak to four projects that Metrolinx has in the works, in one form or another, and really what they're going to mean to the economic development of your community and to the everyday life of the commuting public.

You mentioned Brampton in your remarks. Bonnie, I know that Brampton is not your neck of the woods, but being on the committee—and perhaps you, Janice, could add to this. The Brampton Queen Street rapid transit project: What is that going to entail, what does that need to make that happen, and what impact is that going to have on the city of Brampton?

Ms. Bonnie Crombie: Certainly they see that as a priority for them down the road. It would be 10 kilometres of upgraded transit along Queen Street, and hopefully it would connect in with the city north of Toronto as well. It's one of their priorities, but as you know, they've ranked the Mississauga LRT connectivity a little bit higher. But certainly down the road, we see that as part of the next wave of projects in the suite of projects that are to come.

But I really appreciate what you had said with respect to how it's not time now to lament what we haven't done in the past 25 years. What's important now is that we've recognized our mistakes and that we move forward, that we secure those investments so that we can prepare for the next 25 and 30 years, so we can have that seamless transportation and transit infrastructure, so that in Mississauga or in Brampton, wherever it may be, residents can get on the LRT and travel down to the Lakeshore, get on a GO train and travel or commute to downtown Toronto and get on a subway, or vice versa: use the subway, take it down to Islington, get on one of the BRT buses, enter into Mississauga or hop on the LRT and go to Brampton. Won't that be incredible for regional connectivity?

Do you want to add anything about the Brampton LRT, perhaps?

Ms. Janice Baker: Thank you very much. I think for anyone who has been in Brampton and understands the

investment that they've made in their Züm system and the BRT, along Queen Street in particular—when you talk to transit riders, what transit riders really want is increased frequency, greater reliability and to get to their destination in the shortest possible time. So a project like the Queen Street BRT for Brampton effectively delivers that to the ridership. You have express service. You have transit priority measures set up and put in place. So part of the investment that they've made—and we've looked at similar investments. I mean, our BRT is the next level, where you have, actually, a separated, dedicated roadway that will cut commute times in Mississauga on that particular project. If I'm leaving Meadowvale today and trying to get to the Islington subway, it's going to take me roughly 45 to 47 minutes by bus. With the BRT project that we're going to have open in 2015, that commute time is actually going to be cut to 23 minutes. So we are cutting commute times by 50% with these kinds of investments.

Brampton certainly is looking at Queen Street. For them, from an east-west perspective, that is their highest priority. They've invested very much in the visibility of the system and making it apparent to the ridership that something is changing and these improvements are coming forward. I think these are the kinds of things that have an impact on people's perceptions of the system and their willingness to use transit and to understand that these investments can help their commute to work become a lot easier for them.

0910

Mr. Kevin Daniel Flynn: Thank you. I want to move on to the LRT system that's planned for Hurontario, for Highway 10. I'm just wondering—my colleagues are talking about it a lot because they're excited about it.

Ms. Bonnie Crombie: As we are.

Mr. Kevin Daniel Flynn: As I understand from this side of the table, we're full steam ahead on it. We want to see it happen. There are some questions as to what the other side wants on this specific project. I think there has been a discussion on that. Where are we now in the process? Are we ready to take this to market? Do we know what we want to build? Do we know where it's going to go? Do we know who it's going to service, and do we know what economic development it's going to drive?

Ms. Bonnie Crombie: We certainly do, and Janice is going to respond to this, but we are ready to go. We've done all our background research, consultations, environmental scans etc.

Go ahead.

Ms. Janice Baker: We've been working in partnership with Brampton and with Metrolinx over the last two years. We've collectively invested \$15 million to do the preliminary design on the system, so we now understand the routing. We understand whether we are going up the median or up the side, because it does move along the route. As Bonnie noted, it's a 23-kilometre route. We've done a number of public information sessions in both Mississauga and Brampton and engaged the communities, so they have come out. And I can say that while

there certainly are those who question and are concerned about the local impact, in general, we're finding that there's just tremendous support for this project because I think people understand the integration between the LRT project, the GO system, the interregional bus system with the BRT. It is really all about the regional network.

In September, our council approved the preliminary design and has now moved the project to what's known as the TPAP, which is effectively the environmental assessment approval. Brampton has done the same thing in the last couple of weeks. So we are going to be rolling out the TPAP and making the application to the Ministry of the Environment for approval. That will involve some additional public consultation, but we are very hopeful because that's a truncated process that—by the middle of 2014, we will be standing at the start line, ready to go, waiting for the funding. That's really the next piece of this puzzle and what's required in order to trigger construction.

We've been talking to Metrolinx about the next steps, and we think the next steps, while the TPAP is being undertaken, are to actually start looking to acquire the technical expertise that we're going to need to develop both the master agreements and the detailed specifications that would ultimately go out to the marketplace to bid the project. So with the TPAP having been approved, that's the next request we would go back to our council with: to continue on to create the specifications documents.

It's very exciting. It's highly supported in the community. I think we've managed those who have concerns. From an economic development perspective, it serves huge employment areas all along the corridor. Anybody who has been to Mississauga and understands the residential density that has been created along that corridor recognizes that you cannot service that kind of density just with cars. I think there's a tremendous sense of goodwill and support for the project.

Mr. Kevin Daniel Flynn: Thank you. It's said that at least one political party down here would perhaps cancel the LRT. That wouldn't be a good idea obviously from your—

Ms. Bonnie Crombie: We hope that no one will cancel our LRT.

Mr. Kevin Daniel Flynn: That's good. Around the middle of last summer, we saw in Oakville—and I think you did in Port Credit and Clarkson—the implementation of 30-minute service on the GO train. Anecdotally, people around Oakville certainly are saying it's one of the best things that has ever happened to the community. From a more scientific, sort of clinical perspective, I'm hearing that ridership numbers are up, anywhere from 25% to 30% or 35%, I think perhaps over a four-month period, which is incredible. Now, Oakville is the second-largest station on the system after Union Station, but I'm sure that you're seeing—are you hearing that in the community, that we're seeing increased usage during the midday periods?

Ms. Bonnie Crombie: Absolutely. It gives people options to come in at any point of day. It's much better for business opportunities. If you have meetings midday, you can come in and out all day long. We're hoping that all three lines at some point will be all-day, two-way GO, not just the Lakeshore line. But certainly it has been great for our businesses, and our residents as well, to commute back and forth from Oakville and Mississauga into downtown and back.

Mr. Kevin Daniel Flynn: Thank you. Just going back to the LRT, who would be the intended operator once that system is built?

Ms. Janice Baker: We are going to be recommending to our council that we do a full design, build, finance, operate and maintain proposal. We have been applying to PPP Canada, because we understand that we need the federal government at the table, as well, to assist with funding. Right now, we are certainly heavily invested in the bus business, but we have neither the expertise nor the history with LRT, and we think that this is a tremendous opportunity to showcase a project where you can have private sector investment and private sector involvement along the full continuum. We've had those discussions with Metrolinx, and while it's a decision that is still to be made, that is certainly the recommendation that I will be making to our council.

Mr. Kevin Daniel Flynn: Wonderful. How much time do I have, Mr. Chair?

The Chair (Mr. Lorenzo Berardinetti): About a minute and 30 seconds.

Mr. Kevin Daniel Flynn: Okay. Just one quick question then. On the GO Lakeshore express rail service, including electrification, I know that down in the Clarkson area and certainly in southeast Oakville there has been concern over air quality.

Ms. Bonnie Crombie: That's right.

Mr. Kevin Daniel Flynn: One of the things that is causing air quality concerns is the QEW vehicular traffic and the fact that our GO trains are still running on diesel. Can you tell me a little bit about any progress that has been made by Metrolinx in conjunction with the city of Mississauga regarding the eventual electrification of GO on the Lakeshore West line?

The Chair (Mr. Lorenzo Berardinetti): I'm going to have to stop there because there are about 20 seconds left. We're going to come back for another rotation, but I'm going to have to move on to the Conservative Party. There are 15 minutes for the Conservative Party, and then we'll continue through the rotation around.

Mr. Douglas C. Holyday: Thank you. Good morning. I was very interested in the discussion pertaining to the funding of the projects because, as you know, at the city of Toronto, we went through this same discussion and had a lot of agonizing debates over how this matter could be paid for. In the end, the city of Toronto council really, I guess, decided against revenue tools, except I think with the possibility of maybe some development charges. Has this matter gone to the Mississauga council?

Ms. Bonnie Crombie: Yes, it certainly has, and we have passed a motion supporting—well, actually only opposing the use of the property tax; let's position it that way. So we oppose the use of property taxes as a vehicle to raise the revenues. All other options are on the table, but that's not for us to determine; that's for all of you to determine.

Mr. Douglas C. Holyday: But they really haven't given any specific taxes, and they've just said what they don't want, but they haven't said what they do want.

Ms. Bonnie Crombie: That's right, and I indicated at—

Mr. Douglas C. Holyday: When are they going to say what they do want?

Ms. Bonnie Crombie: And I indicated that the region of Peel also does not support property taxes, land value capture and development charges, in addition. I understand and I read this morning that the Golden panel may even support debt financing. But it's not for us to make those decisions. I think that's what all of you are going to do: to make those decisions on how we fund the next move.

Mr. Douglas C. Holyday: So the Mississauga council hasn't stated any taxes that they're in favour of.

Ms. Bonnie Crombie: We have not. We have only opposed the property tax.

Mr. Douglas C. Holyday: Are they likely to do that?

Ms. Bonnie Crombie: We are likely not to do that.

Mr. Douglas C. Holyday: Did the Mississauga council ever deal with the land transfer tax, the one the city of Toronto has?

Ms. Bonnie Crombie: Yes, we have discussed it, and we are not in support of it at this time.

Mr. Douglas C. Holyday: You're not supportive of the land transfer tax?

Ms. Bonnie Crombie: Not at this time.

Mr. Douglas C. Holyday: I mean, the problem over the years—and I've sat in on lots of transit discussions and seen lots of plans over the years come and go—always is the funding. If it's going to be funded, somebody has to step up and say, "How are we going to do this?" Does Mississauga have any ideas on how they're going to fund even their end of it?

Ms. Janice Baker: Well, I mean, I think when we look at the project, we look at some of the models in Toronto, in which the core system has been 100% funded by the provincial and/or federal government. So our principle is that there needs to be a funding mechanism that will take care of the core project costs, and our position is that they should be funded 100% through Metrolinx and however Metrolinx is funded. But there will be ancillary costs that we will have to absorb in order to support the project.

0920

In our capital forecast, for example, the most recent 10-year forecast that we took to council, we've allocated \$50 million, which would be debt-financed through our own revenue streams. By and large, as you know, having been a former municipal councillor, Toronto has a few

more tools than the rest of us because we don't have the legislative authority today to levy a land transfer tax. We would have to get the legislation changed to allow us to do that, so that would be funded out of the property tax.

What we have been doing, from a financial planning perspective, is that each year, council has been approving a 2% infrastructure levy. Over the last couple of years, we've also allocated a portion of that to be able to service additional debt to finance capital projects like the local municipal costs for the LRT. That's just a simple reality. Mississauga has been very fortunate for decades, really, because of high growth and, I think, some prudent financial decisions in the past. I won't take credit for them; I've only been there about 14 years.

But the notion that we have to use debt as an appropriate, prudent tool in order to fund these projects is something that council has endorsed, and we are putting aside an amount each year and we're growing that amount each year to ensure that we've got the capital funding in place to be able to take on not only the state of good repair that we have, but new projects.

Mr. Douglas C. Holyday: So you're actually doing this without implementing new taxes or new revenue tools. You're just reallocating money that you're already collecting.

Ms. Bonnie Crombie: No, we've added the 2%.

Ms. Janice Baker: No, we actually are increasing taxes in order to do that.

Mr. Douglas C. Holyday: You're increasing what?

Ms. Janice Baker: Property taxes.

Mr. Douglas C. Holyday: Property taxes? I thought you didn't want to do that.

Ms. Janice Baker: We've added a 2% levy each year.

Mr. Douglas C. Holyday: I thought you didn't want—

Ms. Janice Baker: Well, we don't want the province to take our only revenue source. That's the challenge and that's why the council made the decision that they did. Outside of Toronto, municipalities have two primary sources of revenue: They have property taxes and they have user fees, and some regulatory and fine revenue. So the reality is, to the extent that the province would encroach on property taxes to fund the Metrolinx program, that effectively starts to impact our ability to levy taxes. That was really coming from a perspective that we need to have some flexibility on our side to be able to fund that.

Mr. Douglas C. Holyday: The province has put forward a plan where they're wanting this group to look at revenue tools and so on, but the province actually, right now, spends over \$120 billion annually. We're looking at finding \$2 billion out of that \$128 billion. Do you think maybe the first place we should look is at our existing spending to see if we can't prioritize some of our existing spending in a way that might reduce the need for new revenue tools?

Ms. Bonnie Crombie: I think you should always look at your existing spending. I think you should always look at efficiencies. We do in the city of Mississauga as well.

We've reduced our costs by 1% this year, as we try and do every year. You should always look at efficiencies, but I think that if you find those efficiencies, they will probably go to reducing your deficit and paying down your debt. They won't be there to fund new capital projects such as this one.

Mr. Douglas C. Holyday: I'm not just talking about efficiencies; I'm talking about priorities. For instance, the government implemented, as you know, the all-day kindergarten program. That was a billion-and-a-half plus annually without any revenue tools, but they were able to do that because that was something they wanted to do. They just decided, in their priorities, that they would fund that program. If they had decided to fund public transit, which might have been a much more popular thing to have done, and solved this problem in a large way, they could have done that. But they chose not to do that. I'm just wondering, if a new government came by and they took a look at our priorities, maybe we could find a way to help finance this thing without expanding the revenue tools to the extent that has been proposed.

Ms. Bonnie Crombie: I won't take that as a criticism of all-day kindergarten—

Mr. Douglas C. Holyday: No, I just used the example.

Ms. Bonnie Crombie:—but every government has its priorities in the legacy it wants to leave.

Mr. Douglas C. Holyday: But I think, if put to the public, the public might have told them what they would prefer to spend their money on, and maybe the municipal councils might have as well.

Ms. Bonnie Crombie: I'm not going to challenge you, but the government at that time had a majority, so—

Mr. Douglas C. Holyday: How many lanes are on Hurontario Street now, for the most part?

Ms. Janice Baker: It's four to six.

Ms. Bonnie Crombie: Four to six, yes.

Mr. Douglas C. Holyday: Two up and two down?

Ms. Bonnie Crombie: Yes. Some places it's three up and three down.

Ms. Janice Baker: Three up and three down in some areas, and two up and two down in others.

Mr. Douglas C. Holyday: And if you put the light rail on that road, what does it do to those lanes? Does it reduce it any?

Ms. Janice Baker: There are lane removals as part of the project, but I think, as the councillor has pointed out, your overall carrying capacity on the road goes up.

Ms. Bonnie Crombie: Up 6,000 per hour. It will still have the two lanes each way and the LRT.

Mr. Douglas C. Holyday: Was there any thought given to trying to raise any part of this LRT, like in the air, so that you didn't lose the capacity on the ground?

Ms. Bonnie Crombie: We have consensus on this particular project, and any changes at this time would delay and push us further back, and we're not in favour of any changes to our plan. Our council has voted unanimously in support of the plan as it exists. I think that

changing it would increase costs. Monorail, as you're describing, would increase costs.

Ms. Janice Baker: There is also, from an urban planning perspective, issues with a raised LRT, because what they do effectively is take street traffic up out of the local business area, so if I'm going through a commercial area, people are not walking on the street, they're riding overhead, so there's actually a very strong urban planning argument for keeping your foot traffic on the ground, particularly in commercial areas, to support local business.

Mr. Douglas C. Holyday: That same thing could be said about subways. I mean they're below ground, but—and I'm going to just turn this over to my colleague—I guess the thing is long term, and we have to look at the capacity of not just transit but the road itself, because as you've mentioned in your report there's expected population growth—enormous growth—in 20 years, and heaven knows what it will be in 40 years, and you will have no other roads to be able to accommodate these cars; it's unlikely they're going away.

Ms. Bonnie Crombie: I think that if you build more roads, you will have more cars, so as we increase options, people have more options on which to travel. Our objective is connectivity and to move people and to move goods.

Mr. Douglas C. Holyday: That hasn't worked for 50 years.

The Chair (Mr. Lorenzo Berardinetti): All right. There's about five minutes left for Mr. Yurek.

Mr. Jeff Yurek: Thank you, Chair. Thanks for coming in today. I just wanted to talk about the Presto system while I have you here. My understanding is 14% of the riders in Mississauga use Presto. Is that a fair number?

Ms. Janice Baker: I believe, from our most recent budget presentation, that's correct. It is growing.

Mr. Jeff Yurek: And I see Brampton is 64%, Oakville is 49% and, in Burlington, 33% of their ridership uses Presto. Have you heard those numbers at all?

Ms. Bonnie Crombie: I'm looking for that report. I have it with me. Just bear with me a second. If that's what your statistics say, we probably share the same report.

Ms. Janice Baker: I don't have the numbers for the other municipalities, so I can't answer that.

Ms. Bonnie Crombie: The bottom line is the use is growing as people are adapting to it. It does provide that seamless transportation network, so that you're not using a Mississauga bus ticket or bus pass, then buying a GO train ticket and then another ticket for the Toronto subway system or vice versa, so it's one seamless, integrated pass.

Mr. Jeff Yurek: I was just wondering why there's such a discrepancy between Mississauga and the other regions.

Ms. Janice Baker: Well, it would depend if GO's numbers are in the other municipalities or not. Do you know if that includes GO Transit or just local transit?

Mr. Jeff Yurek: I don't know if it's separated or not.

Ms. Janice Baker: Our local transit system carries 50 million riders a year, so even 14% is pretty high. If you were to bring GO Transit into that, I think the numbers would be higher, so I would be interested in whether the numbers are comparable.

We are finding that use of Presto is growing. We were an early adopter of Presto. We were one of the first municipalities to roll it out. We have fare boxes on all of our buses. Some of the challenge with Presto is that right now one of the largest systems within the GTA, the TTC, isn't fully operationalized on Presto. So if I'm a Presto user and I'm going into Toronto every single day, I can't use my Presto card except at some major hub stations.

So when the system is fully rolled out—and the TTC has made a commitment to roll it out—I think you will see, in general, the use of the Presto system go up.

Ms. Bonnie Crombie: I think the stat I've just found is that Presto adds 35,000 new customers every month, so people are adopting it and embracing it.

0930

Mr. Jeff Yurek: Is that 35,000 across the GTA—

Ms. Bonnie Crombie: Yes.

Mr. Jeff Yurek: —or just Mississauga? Okay. Now, your rate structure, you have—do you have para-transit rates, senior rates, university cards and such? Can Presto accommodate that?

Ms. Bonnie Crombie: Yes.

Ms. Janice Baker: Yes.

Mr. Jeff Yurek: It can accommodate the—and they are accommodating your different rate structure?

Ms. Janice Baker: Yes.

Mr. Jeff Yurek: And you're saying because the TTC is not fully implementing, that is hindering, you believe, Presto's expansion into your system?

Ms. Janice Baker: Well, I think it just makes it less convenient right now for people who are starting their trip either in Mississauga and Toronto and are having to transfer between the two systems, but that is under way. That rollout is under way.

I mean, part of the attraction of Presto is the ease of use. So, for example, your question about the passes: If I have a Presto card, they automatically track how many rides I take in a week. So our fare structure is you can have a weekly pass, you can have a monthly pass. If I'm a Presto user, once I go over a certain number of rides, my rate automatically adjusts to either the weekly pass or the monthly pass rate. So it actually helps the consumer in the sense that if I buy a monthly pass and then I get sick for a week and I'm not going to work and I can't use it, I've effectively lost the value of that pass. Under the Presto system, the system actually keeps track of your usage and adjusts you to the rate that's most favourable to the consumer. So I think that's part of the reason why we're seeing the use of the system grow.

Ms. Bonnie Crombie: The stat I have here is 2.6 million users by 2016 for the Presto card. It's facility of use. It just makes it much easier, of course.

Mr. Jeff Yurek: Would you not agree on an open system where you don't really have to go and purchase—

The Chair (Mr. Lorenzo Berardinetti): We're going to have to stop. Sorry to interrupt. The time is up. You can save the question, perhaps, for the next rotation.

Mr. Jeff Yurek: Unanimous consent for another 10 minutes.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): No, then they're going to want 10 minutes. But you'll get 10 minutes the next time around.

Mr. Rosario Marchese: We have motions to deal with.

Ms. Bonnie Crombie: We'll be delighted to stay longer and speak afterwards.

The Chair (Mr. Lorenzo Berardinetti): So it's the NDP's turn to ask questions. Fifteen minutes, Mr. Marchese.

Mr. Rosario Marchese: Thank you, Mr. Chair, and thank you both for coming.

I want to make a quick comment on your comment, Bonnie, about, "Let's not lament the past." While that is a useful comment to make, it's a hurtful one, because we need to look at the past to realize what problems we have caused. Because while the US and other countries in the world were investing in infrastructure, including transit and electric trains, by the way, across most of the world, we weren't doing that in this country.

So 20 years ago, we were making investments in infrastructure, but in the last 20 years, we haven't. The problem is that when you lose progressive revenue from corporations, including income taxes, where two political parties have done that over the last 20 years, and you lose close to \$17 billion as a government in relatively good economic times, and then all of a sudden you say, "Oh, but now we need to make the investments" in very problematic economic times, you've got a big concern. I think you'll probably agree with me.

Where people are finding it difficult to hold on to a permanent job, when more and more people are working precariously, part time, at minimum wages that are not sustainable because they are poverty wages, when people are working on contract, not permanent jobs, you have a whole lot of people who are living economically with a great deal of uncertainty and anxiety, and we're soon going to be asking them to not lament the past, but let's make the investments we need to make. So we all agree.

The question then is, how do we make that fair in this context that I've just described to you? And that's a problem. I don't know if you have a comment about that.

Ms. Bonnie Crombie: Just with respect to the investments or lack thereof in transportation, in transit, certainly we are investing in education and health care. So priorities change over time for governments.

Mr. Rosario Marchese: Yes, I know. I understand that, Bonnie. I wasn't saying that. It's not that priorities change. We haven't been investing in health and education as much as we could have, had we had that revenue.

So the problem is, with less revenue, we have to cut in many different areas, including health and education.

Ms. Bonnie Crombie: I think we've all been guilty of that: not making the investments that were needed.

Mr. Rosario Marchese: So it's a comment that I have a difficult time accepting, because if we forget what has gone on in the past, it will be difficult to learn about how we proceed in the future.

You talked about the Queen Street BRT in Brampton; I know that's not your area, but you seem to be knowledgeable about that and interested in that. I also know that developers decided that they didn't like the plan that the municipality of Brampton had with respect to where they might want to build, because they want to build along where the Queen Street BRT would be going and the developers decided to build a whole lot of development in the river-lake area, which is on the northern side of Brampton.

Ms. Bonnie Crombie: I'm not familiar with it. I'm sorry.

Mr. Rosario Marchese: Right. It's an OMB kind of issue.

Ms. Bonnie Crombie: Oh, yes, we talked about the OMB.

Mr. Rosario Marchese: So the city took the issue to the OMB because they're saying, "We are the ones who think about planning. We're the ones who talk about planning. We want development to happen along Queen Street because that's where the Queen BRT is going to go." And the developer has decided to take this issue to the OMB and they won it. They took it to court; of course, they lost it, because it's all a matter of legalities, not policy questions.

Ms. Bonnie Crombie: We certainly share your feelings about the OMB. I just wanted to share that we have a vision of the Hurontario corridor that we've been promoting and that we've all voted on in favour of intensification of our corridor. We want it to look similar to University Avenue, so we have a combination of business employment and residential condominium intensification to support the LRT. That's our vision for our corridor. I can't really speak to Brampton's vision, but I understand and we share your concerns with the OMB.

Mr. Rosario Marchese: I'm glad to hear that. You might just want to remind the government about the need to reform the OMB, because while they're talking about reviewing development charges and bonusing and parkland allotment, there is no discussion whatsoever about doing a review of the policies of the OMB, which shocked and surprised me and, I must admit, angered me, because I thought we were going to get changes to the OMB and it appears we're not going to get very much by way of how to rein in the powers of the OMB. Do you have a quick comment?

Ms. Bonnie Crombie: We'd be happy to appear before you again to discuss the OMB.

Mr. Rosario Marchese: Thank you. I know that Hazel was very critical of Glen Murray after he had proposed to reopen the Big Move back in May during

one of those moments that he was thinking out loud, and I know that Hazel blasted him. I'm assuming you agree with Hazel on that one.

Ms. Bonnie Crombie: All I can say is that we have a consensus on our plan, and our plan is for light-rail transit that will cross 23 kilometres of Hurontario, from the Lakeshore to downtown Brampton.

Mr. Rosario Marchese: Yes, it's a good idea.

Ms. Bonnie Crombie: We don't want any changes to that plan now, because that will only increase our costs—

Mr. Rosario Marchese: And I support that.

Ms. Bonnie Crombie: —and delay the project.

Mr. Rosario Marchese: I agree with that too.

Ms. Bonnie Crombie: So that's what we believe.

Mr. Rosario Marchese: And that's why you were angry with Susan Fennell when she mused out loud about replacing the Hurontario LRT with a rapid bus line.

Ms. Bonnie Crombie: Well, we de facto have that operating now, as we tried to describe to you. We do have a very good system of buses on Hurontario right now. But we need to move more people, and the capacity for increased residential traffic on the LRT is so much greater than a bus can provide.

Mr. Rosario Marchese: And you were nervous when you heard Mr. Hudak talking about how he would not run LRTs along main streets, as would be the case in Toronto, certainly, but in Mississauga as well.

Ms. Bonnie Crombie: My understanding is that the cost of an elevated light rail is about four times, exponentially, and underground, about seven times. So we have voted; we have a consensus on light-rail transit, above ground, from the Lakeshore to Brampton.

Mr. Rosario Marchese: I'm glad to hear your message on that one.

Ms. Bonnie Crombie: What can I say? We voted in favour of it, we all support it and I don't want to deviate from it.

Mr. Rosario Marchese: And you shouldn't. I have a question to both of you about your commitment to the P3 concept. I have to say that Metrolinx appears to be committed to P3s. Infrastructure Ontario appears to be solely committed to P3s. The federal government is giving \$1.3-billion worth of money, only if they do P3s, which is fascinating—not if cities decide to do a traditional procurement; no, no, there's no allotment of money for that. It's allotment for just P3s. I understand that Janice talked about taking advantage of that fund.

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I've recently had the opportunity to read a whole lot of literature on this particular file, and what I'm reading scares me a little bit, because P3 projects have been criticized by many auditors across Canada when they've done a review of them. As you know, whoever takes on a P3 project makes anywhere from 15% to 20% profit. The borrowing cost of the private sector is much, much higher than the public sector. Everybody appears to know that. The risk that the private sector takes on is passed on and those risks are multiplied many, many, many times in order to be able to recoup monies. At the end of the day,

as you both said, there's only one taxpayer—and the Tories love to use that expression—and we are the ones who end up paying at the end of it.

So while it appears that you're getting money from the federal government, in the end, we don't think it's cheaper, and the reason why we can't even tell you that we don't think it's cheaper is because with most of the contracts that are proprietary, they claim—everyone—that they can't share that information. A lot of the detail that those who want to look at it critically is missing—so that there's no comparison. There's absolutely no way to compare whether or not a private project is any cheaper than a public one because the comparators are often not done very well, and KPMG and all the other big firms are all committed to P3s, so you can't really get an objective analysis out of all this.

I appreciate your interest in doing that because if you don't have the expertise, as indeed Toronto did—because Toronto has a great deal of expertise in this and, therefore, they don't really need to go to P3s. They have a lot of experience, except here with the Eglinton Crosstown, they decided to go P3—God bless. But you're in a more difficult position. But still, have you done a review of the literature to give you some concerns about the direction you're going in, and if you do plan to go there, have you thought about the contract and what you might want to build in to protect yourselves?

Ms. Janice Baker: Yes.

Mr. Rosario Marchese: That's good to know.

Ms. Janice Baker: I think we recognize and understand that the P3 environment, which seems to be the only game in town, to your point, is one where there's complexity, but I think the public sector is learning through experience from other P3 projects. We certainly recognize and understand that we will need to engage expertise on our side to make sure that any contract that the city of Mississauga enters into has got the right kinds of provisions in there that deal with the risk transfer and that deal with the cost. The issue of risk transfer is one—yes, the private sector, if they are taking on a risk, expect to be compensated for that. That's the very essence of the model. But I think, ultimately, at the end of the day, when things go wrong in the public sector, we don't tend to get too much forgiveness on that side either.

These are all choices that have to be made in terms of how you deliver a large project. The Hurontario LRT will be, roughly, a \$1.5-billion project. My annual capital budget is roughly \$150 million. Am I going to need help? For sure. That's really part and parcel, I think, of how you have to look at something of that order of magnitude for a municipality of our size.

Mr. Rosario Marchese: When the public does a public procurement for any project, all of the figures are made available to everyone to see. Do you believe we should expect the same of the private contracts? Or do you believe that they can hide some numbers for proprietary reasons?

Ms. Janice Baker: I am all for transparency. In our scenario, I don't think that there would be anything other

than potential proprietary competitive information around the technology or any of that, but I would anticipate the financial arrangements would be disclosed.

Mr. Rosario Marchese: Except they're not—that's the thing. They generally are not across Canada.

Ms. Janice Baker: Obviously, they do have—you know, every organization, every private sector company, the value that they have is in their own proprietary technology, so I can understand that they would want to protect their interests in that regard. But the financial terms, the terms of the contract—from where I sit and from what I know today, I would think, for example, our council would want those to be transparent because they're going to have to explain them to the public. There are going to be Mississauga dollars on the table and we're going to need to be accountable for those.

Mr. Rosario Marchese: Right. I expect the Mississauga council is going to say to the private developer, "We want all of the figures to be made public."

Ms. Janice Baker: These are things that can be included in the document that goes out to the private sector for them to respond to, so that they know going in what the terms and conditions are around disclosure. That's something that we would pay careful attention to.

Mr. Rosario Marchese: Thank you.

The Chair (Mr. Lorenzo Berardinetti): All right. Thank you. We're going to move on, then, to the Liberals for 10 more minutes. Ms. Hunter.

Ms. Mitzie Hunter: Thank you, Mr. Chair. I want to thank Ms. Crombie and Ms. Baker for their presentation and for appearing before committee today.

I want to talk about your decision, based on your master plan study of 2008-10, to select Hurontario/Main as a transit-oriented corridor. Can you talk about why that decision was made and the choice of the LRT technology?

Ms. Bonnie Crombie: Maybe I'll begin and then Janice can finish, because that decision predated me. Certainly, Hurontario was designed to accommodate movement of people and goods. It was designed with the vision that it become like University Avenue, with higher density condominiums and business-employment lands. That was always the rationale: that we would connect from the lake to Brampton using that corridor. That's why that road was designed that way, with that in mind in the future, that we could secure funding to build that type of people-moving vehicle, like the LRT.

Janice, do you want to add anything—

Ms. Janice Baker: I think Bonnie's reference in the beginning—I mean, notwithstanding everything that Christopher Hume writes in his columns, Mississauga is actually a reasonably well-planned community. The Hurontario corridor has really realized the vision that was made many years ago.

But there are really two other aspects to it. One is the amount of traffic that exists today, that is moving by bus. I think we all understand that as congestion affects the city, it influences in a negative way your headway times and your frequencies. So we've had to add on a regular

basis additional buses to the corridor in order to maintain the schedule that we've posted for the consumer. So the demand was certainly there.

Secondly, we went through a very robust business case assessment with Metrolinx, and we looked at both the Hurontario corridor and the Dundas corridor east-west, which I would suggest to you will be in the next Next Wave of projects. When they did the business case analysis, they looked at the range of technology from BRT right up, quite frankly, to subway. Through a methodology that they've developed, they looked at the cost benefit, and the highest cost benefit for Mississauga on that particular corridor was the LRT technology, and that was the corridor that rated the highest on the criteria that they established.

Our staff were very much involved in that process, so they understood the criteria and, I think, supported the methodology that was being used to make those assessments.

Ms. Bonnie Crombie: If I could just quickly add that Hurontario, we know from our studies, is the most highly travelled route, so it made the most logical sense. We already have buses moving 25,000 people along that Hurontario corridor today. So when we move to LRT—hopefully soon—we'll have the ability to move 6,000 per hour.

Ms. Mitzie Hunter: That's really great. I know that over a hundred cities worldwide have already implemented the LRT technology, so it is a proven technology. Cities such as Paris combine LRT networks with subway networks and other types of transit routes. It's all about an integrated system, and it's making decisions based on that ridership demand that you talk about but also the future growth plans for your communities.

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I want to talk a little bit about what that investment in these higher order transit routes will do for the future growth of your community, and if you can talk to us about some of the benefits, the health benefits, getting people out of cars and into transit and how that will improve the quality of life and livability of your municipality.

Ms. Bonnie Crombie: Certainly we're expecting continued growth into Peel and into Mississauga. We're estimating that our population, by 2030, will be 830,000 people—just shy of a million people. So we need to continue to move people, we continue to move goods, and what that does is not only reduce commute times—as we know, we have the highest in North America right now—but it adds to our competitiveness, our prosperity and investment in our community. Frankly, it speaks to quality of life and the time that people can share with their families rather than commuting in their car and probably speaking to them on their cellphones as they're driving home, saying, "I'll be late again tonight, dear. I'm stuck in traffic." So, competitiveness and quality of life.

Ms. Mitzie Hunter: That's great. Talk about the cost of congestion and your proximity, in fact, Ms. Crombie, in your ward to the airport. I'm sure that you see the

congestion all around, whether it's through truck traffic, commuter traffic. All of these impact our region's ability to compete and grow economically. The experts have said that this is a \$6-billion cost in lost productivity. Can you comment on that number and what the real cost is to the region?

Ms. Bonnie Crombie: We don't know what the cost is to Mississauga specifically, but you can see it. You can see it at rush hour. You can see it throughout periods of the day. Part of our competitiveness as a city is our proximity to all the highways that I noted: the 401, the 403, the QEW etc. So when they're clogged, people can't get to work; trucks can't deliver their goods; people can't get to appointments. Emergency vehicles can't manoeuvre. So there is a very serious cost to our competitiveness as a region, as a connected region and as a city. The bottom line is we need to continue to move people and goods.

Ms. Janice Baker: And, maybe, if I can add to that: When we did a very community-based strategic planning process, starting in 2008, one in four comments—if we went out and said to people, "What's on your mind and what is your biggest concern?"—one in four said transit and transportation.

From the community perspective, as Bonnie says, they're seeing it; they're experiencing it. They understand that commute times are increasing. Traffic is increasing. As I mentioned earlier, we have had to make a direct investment annually, and I would estimate it's somewhere in the range of maybe \$800,000 to \$1 million, where we have been investing in additional local transit service, some of which is just to hold our head above water. On Hurontario in particular, we've seen the average speed—and this is on our website—over the last five years on our transit routes has declined about five kilometres an hour, and that is a direct reflection of the fact that there's more traffic on the road and so it takes our buses longer to get through their route. So the only way that you can maintain service levels is to add additional buses, which we've been doing.

Ms. Bonnie Crombie: If I can just add that the mayor and I often visit many of the 50,000 small and medium-sized companies—not all of them—60 Fortune 500s. We go on what we call corporate calls, and we ask them how their municipality can help them, what their key issues are, what their key barriers to business are, and the number one is often the SR&ED credits they're able or unable to get; but number two is always transit and transportation and what could we do to improve the flow. Their primary concern is getting their employees to work and back home again. Sometimes it's as simple as: Can we provide them with a bus shelter, or what can we do to reduce traffic and gridlock? Those are very, very key issues for our businesses in Mississauga.

Ms. Mitzie Hunter: That's great.

The Vice-Chair (Mr. Rick Bartolucci): A minute and a half, Mitzie.

Ms. Mitzie Hunter: I have two questions. I think I want to talk a little bit about the value of an integrated fare card system that allows the 10 regional transit au-

thorities to have that seamless card versus having a commuter keep multiple cards, and the benefit of that, as you see it, in terms of an integrated seamless transit system across the GTHA.

Ms. Bonnie Crombie: I think you've just described it very well. It's facility of use; it's ease of use; it's just very practical. Whether it be the bus system, the BRT, the bus system in Mississauga to the GO train, already you need two different cards. If they have to come to use the Toronto subway, that's a third or, in the reverse commute, which is often the case as well, the GO train to Mississauga and bus systems. You know, you're already fumbling with different fare cards. It's just facility of use. One integrated pass is the solution, and I think we'll see more and more residents adopting it.

The Vice-Chair (Mr. Rick Bartolucci): Great. Thanks very much, Bonnie.

We're going to move now to the Conservative Party—the official opposition, I should say—and we're going to start off with Mr. Klees. Frank?

Mr. Frank Klees: Thank you, Chair. I'd like to just follow up on Presto, if I could.

Ms. Bonnie Crombie: So much for Presto.

Mr. Frank Klees: Hazel McCallion was quoted in the Mississauga media as saying—and I'll quote, "Mississauga Mayor Hazel McCallion called the province's new Presto fare card system a 'disaster' during a city budget committee meeting."

Then I have minutes here from your December 10 council meeting—

Ms. Bonnie Crombie: That was last year? This year?

Mr. Frank Klees: Yes, December 10, 2013.

Ms. Bonnie Crombie: December 10? That's today.

Mr. Frank Klees: Well, then, it must have been 2012, because this is on your letterhead.

Ms. Bonnie Crombie: It has to be 2012, yes.

Mr. Frank Klees: So it would have been last year, I guess. It indicates that Mayor McCallion spoke to the Presto card and noted there are some issues, that there would be a meeting with city staff and Metrolinx staff to review these issues. Actually, on this, it does say that it was January 23 of this year, 2013. It was a 9 o'clock meeting.

Ms. Bonnie Crombie: Oh, January of this year.

Mr. Frank Klees: January 23. So obviously the mayor has some concerns. Could you share with us what her concerns were as recently as this past January?

Ms. Janice Baker: Well, I think the mayor's concerns relate to the earlier rollout of Presto. It was a complicated implementation for a number of different reasons. I think there were some challenges early on in the process with the consultant and, as you know, if you know anything about Mayor McCallion, you know she has a very long memory. I think those issues have been resolved and the Presto system today is working fairly well.

I can tell you that at the time we were having some reliability issues on our buses, in other words, the number of cards—if you got on to the bus and you tried to swipe your Presto card—we were having machine failures. In

other words, the customer's card did not get read properly. Those have been resolved, and our failure rate now has gone down within, I'm going to say, a tolerance, because it's never going to be perfect. Machines are mechanical things; sometimes they break down. If my recollection is accurate, those are the issues that she was referring to at the time.

I'm not going to suggest to you that Presto didn't have a painful birth; I think it did. We had to work through a lot of implementation challenges with the Presto system. I think we have worked through those challenges and, as of today, my transit folks would tell you that Presto is working reasonably well.

Mr. Frank Klees: So all of the issues that the mayor addressed just a month ago or less than a month ago—

Ms. Janice Baker: Well, that's almost a year ago.

Mr. Frank Klees: No, no. This is the general committee, Wednesday, January 23, 2013.

Ms. Janice Baker: Well, January's almost a year ago—

Ms. Bonnie Crombie: It's December; it's a year ago.

Mr. Frank Klees: All of those issues have been addressed, then?

Ms. Janice Baker: Right now, as of today, the Presto system is working. From our perspective, it's acceptable. We have an acceptable rate of failure, which is quite low. I think it's less than 1%. The use of Presto is growing, and I think our folks would say that we've gotten through the challenges and the issues that are there and that were there, and some of them were significant. In fact, we delayed our rollout of Presto by almost a year because of some of the issues that we had, but as of today, the system is working as it was intended to work.

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Mr. Frank Klees: One of the reasons that it's not implemented throughout the TTC is because Presto is having a very difficult time coming up to the standard of the RFP that the TTC wanted. You're aware that the TTC had already contracted with another provider. That other provider was able to provide an open payment system, which means that people aren't restricted to the Presto card. They could use a credit card; they could use a debit card. That technology is what the TTC wanted to have implemented, and Metrolinx exerted, essentially, blackmail on the city of Toronto and on the TTC to say, "If you don't use Presto, you will not qualify for gas taxes and you will not qualify for some infrastructure funding that is already in the pipe." They succumbed to that, and as a result, the implementation is staggering at the TTC. There are all kinds of implementation problems in Ottawa. I continue to get feedback from users of the Presto card throughout York region and other places to say that we have consistent problems, and we're nowhere near the open payment system.

The region of Waterloo just recently is in the process of putting an RFP out for a fare card system. They're not prepared to settle for Metrolinx's less-than-leading-edge technology. In fact, Metrolinx refused to participate in the open bidding, in the RFP, saying, "The only way

we'll do business is if we enter into a memorandum of understanding, so no public tendering for the system; you're going to take our card."

Everything I know about the city of Mississauga—and I think I'm looking at the next mayor. I understand that it may not be formal, but probably that's who I'm looking at. Everything I understand about the city of Mississauga is that you do things in a transparent way, that you want the best deal for the ratepayer, that you want the most efficient and best systems in place. Did Metrolinx allow the city of Mississauga to enter into a public tendering process for this fare card?

Ms. Janice Baker: No. The deal is that there was a desire for a GTA-wide, integrated fare payment system.

Mr. Frank Klees: I'd like to stop you there, if you don't mind. The answer is very significant: There was no public tendering. Yes, the objective is an integrated card system. That integrated card system is not only able to be delivered by Presto. In fact, the competitor out there, ACS Xerox, offered precisely that: an integrated system that would accept Presto so that there wouldn't be sunken costs, that would integrate all of the regional authorities and that would provide the leading-edge technology and the open payment system. And they were offering, and are still offering, to do this on an open public tender.

If, in fact, there was an open public tender tomorrow that said, "Look, that system—we want Presto to be accepted, but we want to ensure that we're getting the best deal, the best value for the dollar, and there may well be hundreds of millions of dollars of savings in the long term under that system," would the city of Mississauga want to participate in that open, public, transparent tendering system, rather than be locked into a Presto agreement that, even as the Auditor General admitted and reported in his report, has yet multi-millions of dollars of development to go through and is projected to be the most costly fare card system on the planet? And who knows where it could lead. Would the city of Toronto participate in an open, public, transparent tendering system to ensure it has got the best deal? I'd like to ask—

Interjections.

Ms. Bonnie Crombie: Sure. I think what we need is one regionally integrated system that works, and I think you're trying to re-evaluate decisions that have been made. For whatever rationale they had for this particular process, this particular card, this vendor was adopted.

I'm not familiar with all the reasons they were chosen over someone else. I hope that the process had been transparent because, of course, we support transparency, but it sounds like there were some initial glitches. Wouldn't it be better to work out the operating glitches of this system, since we've already all begun to adopt it, rather than revert and start over and look at something different?

Mr. Frank Klees: But that's what they said about eHealth, you see. That's what they said about eHealth, and the same people are behind Presto who were behind eHealth, who said, "Keep paying us our consulting fees because we're going to work out the glitches." We still

don't have an eHealth system, and we still don't have a fare card system that actually works that is leading-edge technology. So—

The Chair (Mr. Lorenzo Berardinetti): I'm going to have to cut you off—

Ms. Bonnie Crombie: But I'm sure we have a contract in place that we wouldn't want to break at this point. So it's better to work out the operating glitches than to start over at this point, I would think.

The Chair (Mr. Lorenzo Berardinetti): We'll have to stop there.

Mr. Frank Klees: I'm disappointed in that response.

The Chair (Mr. Lorenzo Berardinetti): All right. We'll go to the third party for the second rotation. Mr. Marchese.

Mr. Rosario Marchese: I have no more questions for you. I thank you both, Bonnie and Janice. We do have some little work, and I wanted to be sure we take care of that. Thank you.

Ms. Bonnie Crombie: Sure. Thank you.

The Chair (Mr. Lorenzo Berardinetti): No other questions from the third party? So that completes—

Mr. Rosario Marchese: So we move on.

The Chair (Mr. Lorenzo Berardinetti): All right. Thank you. We'll move on.

Ms. Bonnie Crombie: Thank you for the opportunity to appear before you today.

The Chair (Mr. Lorenzo Berardinetti): I just want to thank the pair for their presentation. Thank you very much.

COMMITTEE BUSINESS

The Chair (Mr. Lorenzo Berardinetti): We'll move on from that from here. I think there's a quick house-keeping matter we can deal with here, and that has to do with a couple of appointments.

I think all three parties are aware of the fact that we had two intended appointments for this committee. The deadline to review the intended appointment for Janet Kilty, nominated as member of the Niagara grant review team, selected from the September 27 certificate, is December 27, 2013. The deadline to review the intended appointment of Kenneth Quesnelle, nominated as vice-chair of the Ontario Energy Board, selected from the November 22 certificate, is December 22, 2013. Do we have unanimous consent to extend these deadlines to February 18, 2014? Agreed? Okay, agreed.

There's been a motion that Mr. Marchese put forward last meeting. I think there has been circulated an amendment by the Liberal Party—just got this a few minutes ago. There are a few amendments here. Should we just read into the record the amendments?

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Okay, let's deal with the first motion first that Mr. Marchese put forward. That was read into the record before. Mr. Marchese, I think you read it into the record already.

Mr. Rosario Marchese: Yes, they've been read.

The Chair (Mr. Lorenzo Berardinetti): Okay. Now, there's an amendment to it.

Mr. Rosario Marchese: I'm assuming there's an amendment, then.

The Chair (Mr. Lorenzo Berardinetti): Okay. Does the government want to read that in?

Mr. Rick Bartolucci: I move that the following sentence be struck from the main motion:

"that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable PDF."

And replaced with:

"that these documents be produced within 60 days of this motion passing; and that responsive documents be provided in an electronic, searchable PDF."

The Chair (Mr. Lorenzo Berardinetti): All right. Thank you. Any discussion?

Mr. Rick Bartolucci: You know what? Given the time of the year, Chair, given the dynamics around this, we thought 30 days was very, very quick and may not be possible. So with this amendment, we would suggest that we'd get a better product at the end of the day. I think that's what we all want from this.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any further discussion? Mr. Flynn.

Mr. Kevin Daniel Flynn: Thank you. Just to follow up on my colleague's points, what I think this would be, for the MTO, anyway, is the first substantial document search that this ministry has had. Certainly I think the past few years have seen a change in the way that information is requested from various agencies and ministries. With technology moving to a digital format, it makes sense that these sorts of requests would take this—the experience has been, I think all members will agree, that the searches are quite time-consuming. Oftentimes a search is done and then, for a variety of reasons, other information is found after that.

1010

Obviously there's a level of difficulty that comes with the various search terms that are used. I wouldn't blame anybody for that. I think it's people who are just trying to adapt to the technology that's being used for these searches today. Actually, I think some of the ministries are now claiming that they spend more time searching and preparing for document requests from committees than actually doing what we pay them to do, and that is to bring forward good public policy for debate by the House, for debate by the members of this committee. In some cases I think that's true.

My colleague, I think, makes a very, very good point. I think we can relate this to our own office operations, in that this time of the year is a time where people spend time with their friends and their families, with a variety of things that are taking place around the Christmas season.

To ask for this to be done in 30 days—we're not suggesting that it not be done. We actually agree that it be done, but I think we need to do it in a responsible way. We've got the Christmas holidays around the corner.

We've just celebrated some holidays within the Jewish faith. It's that time of the year, where I think people see a downturn in activity in general and where people take a little bit of time to spend with their friends and families.

I think that if we start off on the right foot, we'll probably get a better product. What we're suggesting by this motion is that, by changing it from 30 days to 60 days, we're able to actually provide the time—

Mr. Rosario Marchese: Mr. Chair, I think he's made his point.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry?

Mr. Kevin Daniel Flynn: We're providing the time that is necessary—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I think he's winding down.

Mr. Kevin Daniel Flynn: We're providing the time that is necessary to do the job at home—I'm nowhere near making my point, Chair, just for the record. It seems to me that—

Mr. Rosario Marchese: Mr. Chair, I would call the question.

Mr. Kevin Daniel Flynn: I don't think you're in a position to call the question. I think each member of this committee is entitled to speak, and is entitled to speak for 20 minutes on each of the amendments.

The Chair (Mr. Lorenzo Berardinetti): The member is allowed to debate.

Mr. Kevin Daniel Flynn: Thank you. What the ministry is asking and what the minister is asking is that they need the time to seek the legal counsel that they need—that is necessary. To procure the software—if you want them to do this search properly, then we need to ask them to—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I'll let you speak to your point. Mr. Yurek, did you want to say—

Mr. Kevin Daniel Flynn: Okay. Thank you. I'm quite happy to wait until the opposition says what they have to say.

The Chair (Mr. Lorenzo Berardinetti): Mr. Yurek, go ahead.

Mr. Jeff Yurek: Just for the record, in good faith, we agreed to do this at the end of committee so we didn't interfere with the deputants on behalf of the Liberal Party. If they're intending to prolong this debate so that we don't vote on the motion, I find that quite disgusting and in bad taste.

The Chair (Mr. Lorenzo Berardinetti): Okay. I'm following the rules from the standing orders that pertain here, and I've spoken to the committee Clerk. She says he's allowed to make his points.

Mr. Kevin Daniel Flynn: Which I'm trying to do. I've spent some time in the House this year and this season hearing members from across the aisle say that it's their right to speak—"You're not going to stop me from speaking. I've got something to say. I'm going to stand up for my constituents, and I'm going to be

heard”—and it seems to me that those rules and those feelings should also apply in here.

I was trying to make the point that the ministry is not saying they don't want to produce these documents; they're quite happy to do that. They're quite happy to comply with what's being asked for by this committee. What they're saying is that they need to procure the proper software to make sure that any errors that were made in the past by other ministries that were asked—they don't want to repeat those errors, obviously. They want to do this search properly, and they also need the legal advice that is necessary to make sure that this takes place.

So, 30 days, to me—

Interjection.

Mr. Kevin Daniel Flynn: If the members opposite agree to 60 days, I could stop talking now.

Miss Monique Taylor: This speech is taking 30 days.

Mr. Kevin Daniel Flynn: No, the speech could—

Mr. Rosario Marchese: You have so much to say.

Mr. Kevin Daniel Flynn: Well, okay then, the—

Interjections.

The Chair (Mr. Lorenzo Berardinetti): He has the floor. I'm sorry. Order. Order, order. I am keeping my eye on the clock.

Mr. Kevin Daniel Flynn: You're just giving my colleagues more ideas here, Rosie.

Mr. Frank Klees: How incompetent are they over there?

Mr. Kevin Daniel Flynn: I don't think it's a question of competence. I think it's a question of them coming back in a responsible manner and saying, "We can get that information you want. We understand why you would want it, and we will be quite happy to provide you with that information. Just give us the proper time to do it. Allow us to do it properly, and then we will quite happily bring forward that information at the time that it's asked for."

As I said, I think it's disgusting that we're trying to shut down debate on this committee. We're asking for something—we provided the amendments in advance. We provided the information in advance—

Interjection.

Mr. Kevin Daniel Flynn: If the member over there would just be quiet for a minute. We provided the information in advance, and we provided the rationale for that. If members around the table are in agreement with extending the amount of time that is necessary to do this properly, we're quite happy to move on to the other amendments. I haven't heard any member speak as to whether they think it should be 30, 60, 45—

Mr. Frank Klees: Because you haven't shut up long enough—

Mr. Kevin Daniel Flynn: Shut up, Frank. If anybody needs to shut up around here, it's you.

Mr. Frank Klees: Really?

Mr. Kevin Daniel Flynn: Really.

The Chair (Mr. Lorenzo Berardinetti): Order. He has the floor. The parliamentary assistant has the floor right now.

Mr. Frank Klees: Are you done?

Mr. Kevin Daniel Flynn: No, I'm not done at all. I've still got a lot of time to speak, Frank, and I intend to use every minute. As I've heard you say in the House, we're here, we're elected, and we're supposed to speak on behalf of our constituents. We want to see this done properly. If there's a member across there who agrees with the 60 days, we'd be quite happy to do that. What I haven't heard is any member across there say, "30, 45, 60." As far as I know, they're in agreement with the 30 days.

Mr. Rosario Marchese: Okay. What about 35?

Mr. Kevin Daniel Flynn: What's that, Rosie?

Mr. Rosario Marchese: Thirty-five days.

Mr. Kevin Daniel Flynn: Thirty-five days. I mean, it's not an auction. What we're asking, I think, is for something quite reasonable. We're asking for it to take place in 60 days. If we're given that 60 days—if the ministry is given that 60 days, they can provide the information that we've been asked to provide. Quite happy to do that. Quite happy to move on on this issue. Quite happy to move on on this amendment.

Speaker, if I hear from the other side or I've got—my colleagues obviously want to speak on this motion as well. Unless they hear from the other side in between that that there's some agreement that 60 days is more reasonable, we'll keep making our points.

The Chair (Mr. Lorenzo Berardinetti): I've had a request from Mr. Bartolucci to speak.

Miss Monique Taylor: We've already tried to call the question, though—

The Chair (Mr. Lorenzo Berardinetti): Yes, I've spoken with the Clerk. They are allowed to make—

Interjections.

The Chair (Mr. Lorenzo Berardinetti): I'd just ask for order here.

Mr. Bartolucci.

Mr. Rick Bartolucci: Chair, I find this just a little upsetting. Let's talk about history for a second because Mr. Marchese said during the presentation with Bonnie Crombie that we have to learn from history. So these three motions were given at the end of the last meeting, just before we were going to walk out, all right? Mr. Marchese, which is his right, wanted the vote last week. For whatever reason, that vote didn't take place. We had a week to look at the motions. We've put some amendments forward. Everything is in order here. We asked for these motions to be debated at the end after the presentation out of courtesy. We agreed as a committee. Nothing untoward here. I think we've done this before.

So now we have several amendments, not just this one. We're going to be dealing with all of these amendments. Then, all of a sudden, we have one member saying "shut up" and that kind of thing, which is not parliamentary and is not characteristic of that member.

Mr. Frank Klees: I apologize. I do apologize.

Mr. Rick Bartolucci: Thank you.

Mr. Kevin Daniel Flynn: I apologize to you too.

Mr. Rick Bartolucci: And now we have reconciliation, which is really good at Christmastime.

Then we have another member saying, "We'll never do this again. We'll never do this again." We're not doing anything out of the ordinary. What we're doing is following procedure. We have amendments that we want to discuss. We're willing to discuss these motions. In fact, the member has already said if we agree to the 60, this debate is over for this amendment—not for the other amendments, because we plan on debating those as well.

I think that what we're doing is within the parameters of the committee and each member within that committee, and I would suggest that this discussion will go a lot smoother and with proper parliamentary decorum as we move forward, and I think now Ms. Hunter has some comments she wants to make.

1020

The Chair (Mr. Lorenzo Berardinetti): I'm following the rules, I'm not doing anything untoward, and the committee Clerk has advised me that if someone wants to speak to it, they'll have the floor.

I'll recognize Ms. Hunter, and then, if you want to speak, Miss Taylor, I'll recognize you as well. These are the rules.

Miss Monique Taylor: But, Chair, I wanted to speak after Kevin.

Interjection: Speak now. Agree with the 60 days, and we all stop speaking.

The Chair (Mr. Lorenzo Berardinetti): She asked. She did ask, but I don't think—

Miss Monique Taylor: Why is it that we don't have a chance to speak?

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor, do you want to speak?

Okay, these are the rules. She put her hand up to be recognized. We have Ms. Hunter, and if anyone else wants to speak to it, they're allowed to speak to it. Those are the rules of the standing orders of the House. Ms. Hunter.

Ms. Mitzie Hunter: Thank you, Mr. Chair. Like my colleagues have said, this is the first substantial document request based on this review that we're conducting. It is very important that the information coming before this committee is focused so that we can utilize that information in the work of this committee. The ministry needs the time and the opportunity to conduct a proper search. My colleague has already talked about the technology

that's needed to do that. It's also very important for us to define the definitions in terms of the information that we want to see the ministry explore and to bring before this committee.

So I would agree that extending it—it's a very reasonable request, given the time of year—to 60 days will allow the ministry to compile that information and to bring it forward to this committee, as well as to seek any inputs and expertise that they would require in order to do that, in order to assemble the proper documents and also be prepared, based on our review, to look at any further information requests.

The fact that this needs to be a very targeted and defined request is important. It's important because it is going to take an inordinate amount of time from the ministry to do the search. It's also going to take an inordinate amount of time to assemble those particular documents. I do believe that extending it from the 30 days, as proposed, to the amendment of 60 days is reasonable. It would be a responsible request as well, given the time of year that we're in and knowing that it is a particular time of year when there are holidays that are coming up, regardless of the types of celebrations, so that we make requests coming out of this committee to be in as reasonable a fashion as possible and to allow the appropriate time to assemble the right information that is required, with the level of detail that is required, and also to ensure that that gets before the committee. The 60 days that has been requested is a reasonable amount of time, and it would also allow us to be responsible and respectful of the time of year.

I also want to reiterate that giving the proper time and definitions is very important as we undertake these substantive document requests so that this information comes back to committee in as useful a format and as searchable a format as possible, so that it can be utilized for its intended purposes. It's not unreasonable to suggest that having 60 days to put this type of substantive information together is a reasonable approach for us to take, and given, as well, the time of year.

I just wanted to reiterate that, and certainly I wanted to support that and to ensure that when we have requests coming out of this committee, that it is done in a respectful and responsible way, allowing us to receive the appropriate—

The Chair (Mr. Lorenzo Berardinetti): I'm sorry to cut you off, but it is 10:25. The bells are ringing. We're adjourned until February 18, 2014.

The committee adjourned at 1025.

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A-17

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 18 February 2014

Journal des débats (Hansard)

Mardi 18 février 2014

Standing Committee on Government Agencies

Agency review: Metrolinx

Intended appointments

Comité permanent des organismes gouvernementaux

Examen des organismes
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 18 February 2014

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 18 février 2014

*The committee met at 0838 in committee room 1.*AGENCY REVIEW: METROLINX
COMMITTEE BUSINESS

The Vice-Chair (Mr. Rick Bartolucci): I'd like to call the committee meeting to order and welcome all of us back. I hope you had a good break. I look forward to probably what's going to be a very, very exciting session, as it should be, for the people of Ontario. I know this committee is always very, very exciting, and so we look forward to that. I am subbing in today for Lorenzo as he's away, ill.

So we will reconvene. There was a motion by Mr. Marchese. It was, "I move that the Standing Committee on Government Agencies request from Metrolinx and the Ministry of Transportation the production of all documents and correspondence related to any market studies conducted between January 1, 2010, and December 3, 2013, related to ridership projections for the air-rail link; and that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable PDF."

There was an amendment to that motion. It was moved by me: "I move that the following sentence be struck from the main motion:

"that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable PDF."

It was going to be replaced, if successful, with:

"that these documents be produced within 60 days of this motion passing, and that responsive documents be provided in an electronic, searchable PDF."

We had just begun the debate on this amendment, so I would imagine we will continue the debate on this amendment.

Let me say that now that I'm in the chair, I will only make one comment. The reason that I made the amendment was to provide for more time to do as thorough a job as possible so that the material sent and brought to this committee is as thorough as possible.

Having said that, we will move on with the discussion. Is there any discussion? Kevin.

Mr. Kevin Daniel Flynn: Thank you, Mr. Chair. Welcome back to you and to everybody.

The Vice-Chair (Mr. Rick Bartolucci): Mr. Flynn. Excuse me.

Mr. Kevin Daniel Flynn: "Kevin" is great.

It's interesting to note that the reasons that we put forward for the extension of this time, I think, were constructive reasons. I think any expert advice that we've had, and the experience that we've seen so far when any committee has asked for any documents, is that, being a new form of technology, being a new procedure, basically, to this place, we found that it takes more time than we originally intended or than has been asked for in the past, I guess would be the best way of putting it.

What we thought is that if right from the outset we allowed for the 60 days, that would allow the ministry to do the job that I think all members from all parties are asking it to do. Thirty days, we feel, is too short. I think there's concurrence amongst those people who have to provide the information that 30 days is too short, but they feel that 60 days is a reasonable amount of time.

I would note that had we supported the amendment before we recessed, we'd be very close to having the information by now, that the staff could have used the time over the holidays and the time in between our sittings to actually provide that information, and we'd be a lot closer. I don't think we would be at the 60 days, but we'd be very, very close to it now. We'd be days away from getting this information.

So I'm suggesting that we take the time to do this right, that we get the information that we ask for, that all members are asking for. I don't think there's any disagreement that this information should be forthcoming. What I don't want to do is set the process up as one that's being set up for failure, that we ask the individuals and the ministry and the organizations to provide the information in an unreasonable amount of time and then criticize them because they don't have it ready in time. I would much sooner put that information out right from the start, saying, "We're giving you 60 days. We know that you agree 60 days is a reasonable amount of time. If you do that, you'll be able to bring forward the information that we need."

I think from the document searches that I've seen and that I've been party to that have been provided by other individuals and other ministries, people are starting to understand just what's involved in this. They are starting to understand that you don't just search for the one keyword; that you go for many keywords when you're doing this.

I would ask the committee if there's agreement on this, that we go to the 60 days and this simply is dealt

with. This is something that I think we can move forward on, and the ministry can go and start gathering the information that we're asking it to. If there isn't, then I don't think from this side, certainly, we can support it. I would much rather see the committee move forward cohesively, as a unit, where we all agree on it. So if there is concurrence on this, I think we're quite ready to—certainly I'm ready, as an individual—to support this moving forward with the 60 days, if there is support for the amendment.

Other people may have different opinions on this. I understand this. So maybe there's a compromise. Maybe, at the end of the day, it could be 45 days. But what I've heard, and what I think we've all heard, is that it can't be done in 30 days, so there's no sense trying to ask any organization to provide something in an unreasonable amount of time. We're saying "60," and I think other people are agreeing that 60 would be a reasonable amount. If, for some reason, you want to get into a debate over five or 10 days, I don't think that's going to be the end of the world. But I think, as the first thing we're doing in the first sitting of this committee, it would be nice if we could all move forward on at least one amendment.

I'm going to stand down now. There may be other members of our side who have something to say on this, but I'd like to see it go to a vote, and I'd like to see it agreed upon. Then we can move forward.

Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Dipika?

Ms. Dipika Damerla: Thank you, Chair. I'd like to begin by welcoming everybody back to the first day of this spring legislative session. I'm really, really looking forward to a very productive session. I hope everybody had a good break; I certainly did, and I'm raring to go back to work.

I'm new to this committee and I've just been going over the original motion, as well as the amendment that we have suggested. I fully support the amendment that we have suggested. That's because I've been in the situation a few times now where the opposition has come up with a request for information in a very, very tight timeline, and we have seen on many occasions that this just doesn't work. I've had to sit here in similar committees arguing for why we need more time. One would think that by this point, two years into this Legislature, the opposition would understand that coming up with unrealistic timelines only creates a waste of time because it then puts us in the position of having to argue and amend. If the original request had been couched in more reasonable terms, and instead of 30 days had originally said 60 or 90 days, we wouldn't be here. As MPP Flynn mentioned, had we agreed to this amendment before the holidays, we wouldn't still be talking about it and we would have been well on our way towards the 60 or 90 days, whatever would have been a reasonable amount of time. But certainly 30 days is very, very restrictive. It always makes me wonder why. Why are these requests couched with this unrealistic deadline? It's almost like

you want to set up the ministries and the bureaucrats to fail. You give them an unrealistic timeline and you know they can't fulfil it, and then you can turn around and say, "Oh listen, they never did a good job. They didn't provide us with all of the documents that we required."

All that we are trying to do is make sure that the process is as efficient as possible, that we do it once and that we do it right. That's what my grandfather would always say: "Do it once. Do it right. Take the time you need to do it." Certainly 30 days is very, very unrealistic; 60 days, at the very least. I know MPP Flynn is much more considerate, perhaps, and is willing to settle for a compromise, but I really do think that even 45 days would be stretching it and I would certainly prefer 60 days.

One of the things that strikes me in all of this is that I keep coming back to: Why? Why was it originally crafted with just 30 days? It makes me wonder: What is the real intent here? Is the real intent to get the information; or is the real intent just to create a process that is not fair? That is troubling, Chair, and that is something that I wish would get addressed once and for all. Going forward, I can only hope and request that the motions that come forward in the future for information are couched in a realistic timeline that people understand.

One of the things that I think is missed in all of this is that when a request is made for this kind of information, I think the assumption is that bureaucrats will stop doing everything they do in the general course of governing and will dedicate their entire time—eight hours a day, five days a week—to collecting this information. The reality is, that's not possible. The business of governing has to go on, so any of this information that is requested is over and above the time that bureaucrats have to take; this is over and above their normal duties.

The other thing to consider is that a lot of this information that is requested and asked for has to be passed through legal counsel, because there are issues around confidentiality; there are issues around public interest. Would releasing this information compromise the public interest? What is the context of this information? We have seen time and time again when information is released without the full context that it can be misconstrued and create false impressions and generally create confusion. So it is really important to make sure we get the context right when we bring this information out.

Given all of these parameters, it is something that I do want to make very, very clear. When we ask for this information, it is not as if the bureaucrats stopped doing everything they were doing and are just going to focus on this. One of the things that Don Drummond said was that the government of Ontario runs a very tight ship. What this means is that our bureaucrats are working at full capacity. There is no leeway there. They're already working at full capacity to do the day-to-day governing of this province. So when we ask for this kind of extra information, we need to build in the fact that perhaps these are people who are now going to have to work 9 to

5 or 8:30 to 5, doing their regular day of work, and then spend a couple of hours every day, extra time, to look into this extra information. On top of that, they have to make sure that they get the right legal advice to make sure that any information that they release is in the best public interest without in any way compromising the integrity of governing this province.

Now, I did have a clarification, Chair. I know that at 8:55, and we're pretty close to that, we will be—I guess the selection of the witnesses and interviewing, but I haven't finished really expressing all of my concerns around this motion.

0850

Mr. Rosario Marchese: Take your time. Take your time, Dipika.

Ms. Dipika Damerla: I will. Thank you, MPP Marchese, for that. I really appreciate that. But I did have a question, Chair, and I do believe that my colleague MPP Hunter also might have something to say. Given that we have all of this, I'm wondering what your suggestion would be. Do we break, do all of the interviews with the folks who are going to show up, and then can we pick up and continue our deliberation and our debate?

Interjection.

Ms. Dipika Damerla: I hope you had a good break, MPP Marchese.

Interjection: Yes, he's happy. I've never seen him this happy.

The Vice-Chair (Mr. Rick Bartolucci): All right. So let's bring everything back to a semblance of productivity. First of all, we have this amendment, and then we have three motions that have been moved by Mr. Marchese.

Interjection.

The Vice-Chair (Mr. Rick Bartolucci): Only one has been moved. Okay, we have one motion. Then we have the subcommittee reports, then we have an extension of deadlines and then we have a review of intended appointments. To be perfectly honest, we've already given an extension of these intended appointments. I can't make a motion because I'm the Chair, but my suggestion would be: As we've done in the past, let's do the intended appointments first and then we'll come back and we'll do those, okay? Jim?

Mr. Jim McDonell: We've done this before, and all we do is we end the meeting and we never get to the motion. We've talked for half an hour on this motion. I mean, I've seen in the past where this government has had six months to produce documents and all we've seen are redactions and deletions. So 30 days is ample time when it has already been 60 days since the motion was last debated. I think it's time to move on and pass the motion. They've had lots of time here to know this is coming ahead. They'll have 90 days, really, because it has been 60 plus the 30. Let's just move ahead with it, take the vote and we can get on to the intended appointments before 9 o'clock.

The Vice-Chair (Mr. Rick Bartolucci): Any other comments? Mr. Marchese?

Mr. Rosario Marchese: If it is the will of the Chair that we haven't had enough discussion because the Liberal members need more time to express themselves, then I'm quite willing to allow the members to continue speaking because they deserve to be heard, Jim. I know what you're saying, Jim, and I agree with you, but I really want to hear Kevin and Mitzie speak on this matter because there's so much to say. I think we should get on with the appointments and then come back to it.

The Vice-Chair (Mr. Rick Bartolucci): All right, so what I'm hearing here is, if there is a motion—is a motion necessary, Sylwia?

Interjection.

The Vice-Chair (Mr. Rick Bartolucci): Okay, so this has to be done by agreement, that we put this amendment aside, hear the attended appointments and then come back. All in favour? All opposed? Carried.

SUBCOMMITTEE REPORTS

The Vice-Chair (Mr. Rick Bartolucci): We have to do the subcommittee reports.

Subcommittee 1, a report dated December 12, 2013. Mr. McDonell?

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointments dated December 12, 2013.

The Vice-Chair (Mr. Rick Bartolucci): All in favour? Opposed? Carried.

The second subcommittee report is December 19, 2013. Mr. McDonell?

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointees dated December 19, 2013.

The Vice-Chair (Mr. Rick Bartolucci): All in favour? Opposed? Carried.

The third subcommittee report, dated January 23, 2014. Ms. Taylor?

Miss Monique Taylor: I move adoption of the subcommittee report on intended appointments dated January 23, 2014.

The Vice-Chair (Mr. Rick Bartolucci): All in favour? Opposed? Carried.

Our final subcommittee report is dated February 6, 2014. Ms. Taylor?

Miss Monique Taylor: I move adoption of the subcommittee report on intended appointments dated February 6, 2014.

The Vice-Chair (Mr. Rick Bartolucci): All in favour? Opposed? Carried.

INTENDED APPOINTMENTS

The Vice-Chair (Mr. Rick Bartolucci): We have one extension of a deadline because it expires today. Before we begin our intended appointments review, there is an intended appointment selected for review by this committee whose deadline for review has been extended and expires today. It is Michael Gallagher, nominated as a

member of the Workplace Safety and Insurance Board. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Michael Gallagher, nominated as a member of the Workplace Safety and Insurance Board, to March 18, 2014? All in favour? Opposed? Carried.

Good. Thanks, Mr. Marchese, for facilitating all of this happening so quickly.

Mr. Rosario Marchese: I'm here to please.

The Vice-Chair (Mr. Rick Bartolucci): Intended appointments: We'll now move to that stage of the meeting. We have three intended appointees to hear from. We will consider all concurrences following the interviews.

MR. KENNETH QUESNELLE

Review of intended appointment, selected by official opposition party: Kenneth Quesnelle, intended appointee as vice-chair, Ontario Energy Board.

The Vice-Chair (Mr. Rick Bartolucci): Our first intended appointee today is Kenneth Quesnelle, nominated as vice-chair of the Ontario Energy Board. Please come forward and take a seat at the table, Mr. Quesnelle. Welcome, Mr. Quesnelle, and thank you very much for being here. You may now begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions. Questioning will start with the third party after you've finished your presentation.

Mr. Kenneth Quesnelle: Good morning, Mr. Chair, and good morning, members of the committee. Let me start by telling you that I consider it a privilege to serve the people of Ontario in my current role as board member of the Ontario Energy Board and that I am honoured to have been nominated to serve in an expanded role as a vice-chair of the board.

Currently, as a board member, my primary role is that of adjudication—the hearing of applications from our rate-regulated entities as well as proponents of infrastructure projects and other matters that fall within the board's jurisdiction. Another element of the role of a board member is to provide input on the regulatory policy framework of the board.

I was first appointed in 2005. Having gained a deep understanding of the utility business over the previous 25 years of my career, I have been able to adjudicate on issues that come to the board with an expertise that I believe has served the board and therefore the public interest very well.

On the regulatory policy side, the insight I have gained through my previous experience in municipal infrastructure planning and long-term asset management shaped my significant input into the board's current policy framework with respect to our infrastructure investment oversight.

These past experiences would continue to serve me well as a vice-chair, as would my experience gained in

my many years in senior management and leadership roles in the utility industry.

0900

As a vice-chair, I would be able to contribute in an even more meaningful way with the chair and my colleagues at the board in the furtherance of the delivery on the board's mandate.

Having been a board member providing input into the new regulatory policy framework of the board, I am very excited about the prospect of putting my managerial and business skills to work in the implementation of the new framework.

I've been very fortunate over the past eight years in my professional development as a regulator. Energy and utility regulation is currently going through a transformational time on a global basis. Regulators around the world are rethinking their existing rate-setting methods and tariff designs as well as the basic methods of regulating. They're doing so in order to be aligned with the new, broad, public policy objectives of governments with respect to energy matters in general and network infrastructures required to deliver that energy.

Given the transformational time we live in, associating with other regulators is of fundamental importance to maintain a deep understanding of what tools of regulation work in certain circumstances and which tools don't. We have a very healthy association of utility regulators in Canada, and I've had the good fortune to serve on its executive board since 2010. I have chaired the education committee in the past and, currently, I am honoured to serve as the association's chair.

The Ontario Energy Board is a major contributor to the learning environment of utility regulators in Canada. Our groundbreaking work in performance-based regulation and benchmarking are a couple of past examples of made-in-Ontario frameworks that have influenced others across Canada.

In my capacity as chair of the association of energy and utility regulators, I represent Canadian interests on the steering committee of the International Confederation of Energy Regulators. This organization is comprised of 11 regional regulatory associations from around the globe. It functions using a web-based structure, through webinars and teleconferences, to discuss common issues and share new ideas. We routinely produce analytical reports on best practices in a variety of areas. I have served as chair of the virtual working group on consumer issues, one of the confederation's four working groups, since 2009.

The knowledge I have gained through this global engagement on consumer issues has been of particular value to me in shaping my input into the board's recently developed regulatory framework, which is outcome-based from a value-to-customer perspective.

The board's new approach places an onus on utilities to engage their customers in meaningful ways, to gain an appreciation of the service levels they expect with respect to reliability and quality of service delivery. Utilities are expected to demonstrate how the results of these engagements have informed their investment plans.

We've introduced the use of a scorecard, intended to measure the level of utility achievement in key areas of performance that are vital to both customers and the financial viability of the sector. Our regulatory strategy is to align the business interests of the utility with the customer service interests of the consumer. The board is actively realigning its regulatory approaches in policy development, adjudication and compliance in a manner that is best suited to the delivery on its renewed customer-focused approach to regulation.

Having been instrumental as a board member in shaping this new approach, I believe that I am very well suited to assist in the implementation of the regulatory strategy as a vice-chair of the Ontario Energy Board.

Thank you very much for the opportunity to provide you with my views this morning.

The Vice-Chair (Mr. Rick Bartolucci): Thank you very much, Mr. Quesnelle.

When it comes around to the government's question, you will have four and a half minutes to question. We'll now start off with Miss Taylor, from the third party.

Miss Monique Taylor: Good morning, and thank you for appearing before us today. I was happy to hear that you have a deep understanding of the whole rate issue, because I would love to know your thoughts on global adjustment, and if you could please let me know what global adjustment means.

Mr. Kenneth Quesnelle: Okay. The global adjustment is a mechanism in which the supply side, basically—and also the conservation side; these expenses that are approved by others through the OPA or are a result of contracting for a procurement of generation in line with government policy—finds its way onto the consumer's bill. So the global adjustment takes those costs and is presented as one of the elements of the consumer's bill, and it is reflective of the cost of procurement of generation and conservation and demand management programs.

Miss Monique Taylor: It's interesting. I've called several people, different managers of different hydro providers, I've spoken to so many customer service reps, and nobody seems to know what global adjustment is and why it's there. You're the first person, really—well, I think the second, actually, who has come out with an understanding, somewhat, of what it is. And from what I'm told, conservation is actually what's driving up global adjustment. Is that correct?

Mr. Kenneth Quesnelle: Well, there are conservation programs, and these programs, like I say, are part of what goes into the makeup of those amounts. The adjustments that are basically tied to the policy initiatives of government are outside of what we review—mind you, there are linkages from the board's perspective—and that is why the board has gone to its long-term planning orientation in ensuring that the board has a good basis on which to regulate and set the rates for the infrastructure element that would connect the renewable energy that is associated with the procurement of generation on the supply side.

Miss Monique Taylor: Global adjustment is more than double the electricity use cost on a bill—more than double. Is there a plan to bring this down? This has a huge effect on our manufacturing, on our small businesses. In your new role as a vice-chair, what would you do to help assist this matter?

Mr. Kenneth Quesnelle: I think the thing that the board can do and has done, along with other agencies, is recognize the importance of having a good communication plan so that people understand exactly what the global adjustment is. Your first question certainly went to that area. We have a very complex and very complicated structure, but it is one which has the fundamental underpinning of the nexus between public policy and the regulated elements of the board that takes care of—from an instructive perspective. I think it's very important that all the agencies, the Ontario Energy Board—and our plans show that, that we articulate these in a clear manner so that the public understands exactly what elements are on their bill and what is driving it.

Miss Monique Taylor: But an understanding of the elements is not going to help the ratepayer, and that's a huge problem in this province. You've seen the manufacturing jobs that we've lost because of the cost of hydro. I have small businesses in my riding that are on their way out because of the cost of hydro. What are you going to do as a vice-chair to help bring these rates down?

Mr. Kenneth Quesnelle: I just mentioned the new regulatory framework, and the renewed regulatory framework is all about engagement with the consumer to ensure that the consumer has an early knowledge of what the potential cost will be so that they have an understanding.

We're relying on and expect the utilities to go forward and speak to the consumers. The critical area for us, within our mandate and dealing with the infrastructure spend that comes before us, is ensuring that we have good principal planning so that we can identify and prioritize and allow for investment on only the highest-priority elements. So within our purview and the elements that we regulate, it's very much about prioritization and, with the view of rate mitigation, ensuring that there isn't rate shock, so that we have a long-term plan for the asset renewal and the asset maintenance, and also in growth and expansion, so that we can ensure that no more than what is absolutely necessary goes into the bill from an infrastructure perspective.

The Vice-Chair (Mr. Rick Bartolucci): Mr. Marchese.

Mr. Rosario Marchese: Mr. Quesnelle, I have a question. I appreciate the experience you bring to the board. You are aware that the Auditor General's annual report criticized the overly generous compensation of many of the staff, particularly at one of the divisions of the OPG. You, the board, said a while back that high staffing costs in the nuclear division should be reduced by \$145 million. In response, the OPG appealed this decision to the Divisional Court, and the OEB is current-

ly seeking leave to appeal this most recent decision to the Supreme Court of Canada, to defend its ability to scrutinize OPG's wage and benefit costs.

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Do you have a personal view on this? How seriously do you take it? Because the opposition parties are very concerned about this; the public is very concerned about this. Clearly, the Auditor General is very concerned about this. Do you have a view in terms of the fervour with which you need to pursue this? Or in general, what is your opinion?

Mr. Kenneth Quesnelle: The approach that the board takes—and as an adjudicator, it would obviously be very case-specific, but I will say that the OPG decision was not the first decision in which the board observed the disconnect between the compensation payments and the outcomes of the utility. It has recognized it in their past, so that wasn't the first case where that occurred.

The board takes an approach to rate-setting that is very much—and moving forward even more—and this is on the outcomes. There's a balance that must be struck between having the board actually micromanage utilities and allowing the corporate governance and good management to take hold and actually run the company. But when there's an observance that there's a disconnect between certain elements of the overall spending and overall revenue requirement and the outcomes, that's where the board does make findings and has made findings in the past. I think it's paramount, and I do personally believe that that is important and I will continue in that regard.

Mr. Rosario Marchese: Right. Do you know where this is at, at the moment?

Mr. Kenneth Quesnelle: No.

Mr. Rosario Marchese: Okay. I appreciate your comment. Thanks very much. Thank you, Mr. Chair.

The Vice-Chair (Mr. Rick Bartolucci): Miss Taylor, no questions?

Miss Monique Taylor: No, that's it.

The Vice-Chair (Mr. Rick Bartolucci): All right. Then we'll now move to the government side. As I said earlier, government members, you will have four and a half minutes.

Mr. Kevin Daniel Flynn: Okay. Perhaps I'll start it off. Welcome. Thank you very much for coming this morning.

When I look at the background you have, working, obviously, at the Woodstock public utility; Penetang; and the background you have with your educational experience, I'm trying to tie that into what the role of the vice-chair is. I know that you work with the chair to make up the management committee, and you oversee the management and the operations of the Ontario Energy Board. Could you describe how your past experience ties in with what the role of vice-chair is in this organization?

Mr. Kenneth Quesnelle: As vice-chair, I would be closer tied to and obviously have a mandate for the management of the corporation, and that is certainly something that—I have had over 20 years' experience in

senior management roles and just the routine things that come into business planning, resourcing, financial management. All those elements are certainly things that I've had extensive experience with in the utilities sector in the past.

Also, I think tying together that actual utility experience and the resourcing is what leads me, coupled with my understanding of what's required from a consumer's perspective, into the business strategy on resourcing. I certainly have and intend to do more of advising the chair on what my views are as to how we're resourced and in what areas we should be strengthening our resources at the board.

Mr. Kevin Daniel Flynn: Okay; very good answer. You've been on the board now since 2005. Going back to the questions that were coming from the third party, what have you learned personally? I know you've got a great background in the energy field, but it's a lot different when you're sitting on the energy board. I guess you must get a different perspective of the energy sector in general. What improvements have you seen in the system since you've been there, since 2005 and beyond?

Mr. Kenneth Quesnelle: I think what has taken hold at the board, and it's not unlike what has taken hold—and I mentioned the regulatory transformational time we're in. I think there's a lot more emphasis—and the board was one of the forerunners in this area, which is the approach of alignment of the interests of the parties that come before it, as opposed to playing referee between several private interests, those of business and those of consumers and those who have proponents for infrastructure—of regulating in such a fashion that it's a natural outcome of good business that customers are receiving what they should receive.

So it's an alignment approach as opposed to that of competing interests and finding a midpoint. It's more one of aligning the business structures so that, basically, the board can back off, have a lighter hand in regulation and allow the business interest to actually deliver on the customer interest, and that's very much at the heart of our renewed framework.

Mr. Kevin Daniel Flynn: Do you have any feedback, anecdotal or otherwise, on how the stakeholders feel about the operation improvements since 2005? Are you finding that the parties find it's an easier process, it's a better process or it's a more transparent process? Are you getting any feedback?

Mr. Kenneth Quesnelle: We are, and it is positive. I think the extensive consultation we did with the stakeholders, both consumer advocacy and the industry itself, on the renewed framework—a major element of that is a menu selection process for the types of applications you want to come into for a rate setting. There are different flavours. The intent there was to align again the regulatory process with where the utility was in its business. We have high-growth areas and we have low-growth areas within the province. That drives a different need for rate-setting and different processes.

That's the type of responsiveness that the board has demonstrated—that it recognizes that and has put that

out. That should streamline very much a large part of the work that the board does, which is rate-setting.

Mr. Kevin Daniel Flynn: Okay. What would that streamlining mean to the stakeholders themselves? Is it decreased costs in the process? Is it increased efficiencies?

Mr. Kenneth Quesnelle: Both of those, plus the ability to look at the menu and place themselves in it from what their needs for their consumers are.

In a high-growth area, for instance, they may not be able to accurately predict what's going to happen over a four- or five-year period. They could choose to come in under a certain model that would allow them to make adjustments on an annual basis without a full rate-setting process every year.

That serves everyone well. It serves the utility well in that they can come in with a business plan that we look at and test the merits of. Again, a lot of the business plan will have to be informed through their engagements with their customers, and that's what the board will be looking for.

So this is new, and it's something that we are getting very positive feedback from the stakeholders on.

The Vice-Chair (Mr. Rick Bartolucci): Thanks very much, Mr. Flynn.

Mr. Quesnelle, we'll now move to the official opposition for their 10 minutes of questioning. Jim.

Mr. Jim McDonell: Thanks for coming out today in this. I looked through your long history in the industry. Just wondering: I know that Miss Taylor talked about the costs of global adjustment, talking of being double what the electricity rates are. I saw a bill to one of my colleagues in Kitchener, a small company, where the cost of electricity is around \$3,500 a month. His global adjustment was over \$37,000.

Looking back on that, and looking where our electricity is, the rates now are arguably the most expensive on the continent. You've been with the energy board for a number of years. Is there anything that could have been done differently to at least make us in the middle of the pack, as far as electricity rates, in your time there?

Mr. Kenneth Quesnelle: Well, looking at the mandate of the board in the areas that we regulate, I think we've attempted to stay in line with the reviews and bring whatever tools we could bring to bear on the areas that we regulate the price for. Again, in going back to my earlier explanation of the global adjustment, it's as a result of the introduction of integrated power. Ontario certainly doesn't stand out alone on that. My experience on a global basis is, that is something that's being wrestled with on a global basis.

The manner in which those contracts are funded—there are different options for that. I'm not saying one is better than the other. People have attempted to come up with levelling plans on carbon pricing and what have you. So this is very much a global phenomenon.

I think from the board's perspective, we have done a lot to bring our focus to the prioritizing of the assets in the capital renewal plans. That's where we have focused

an attempt to mitigate the overall costs of moving to new types of energy supply.

Mr. Jim McDonell: I guess I realize that the global adjustment, as you're saying, is really outside of your control. These costs are dumped onto your plate, basically, and the best way of paying for them—they have to be paid by the consumer. We've seen them go to a level that—as an example, I've seen I think what were the second-highest subsidies in Germany, being about half of what ours were in Ontario. It has really pitted neighbour against neighbour in a rush to get this part of the cash-cow subsidies that are there. It's torn a lot of the communities apart—the people who are lucky enough to have a windmill or a solar farm versus the neighbour who just has to put up with the sight of it. In my community at least, and I think most of Ontario, it's considered a failure.

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When you look through another issue we have in rural Ontario, it's certainly with the cost of electricity being so high—there's a rush to natural gas. But we've seen very little expansion in the natural gas network in our area, or actually, I think, in much of even some of the urban areas. Getting the local distributor to expand its network is very tough. Do you see anything on the horizon that there are any recommendations you see to actually promote that?

Mr. Kenneth Quesnelle: I think that is always something that is shifting. The current low supply-side cost of natural gas is making it probably more attractive for people that would be potential customers. The board still has in place a portfolio approach to approving projects: that not all projects need to meet a profit index if they're put in an aggregate, in a mix of projects. You can have, within the policy, entities that don't necessarily have a quick return on the investment for expansion by the natural gas company being offset by those that have higher returns on a portfolio basis. That's a program that the board put in place some years ago, and it works well on that. I think the regulated entities will be making use of that, and also, with their advance sales, looking at the lower cost of gas in North America. The business climate is changing. I think that that has to take hold and people have to have probably a confidence that that's a long-term effect while making these long-term asset investment plans.

Mr. Jim McDonell: Just a little further on that: When I go back, being on council in approximately the 1995 or 1996 time frame when our franchise agreement came up, there was some talk about looking at selling that franchise to another agreement. We saw basically a flurry of extensions that quickly ended when the contract was signed, for whatever reason. I'm living about 300 feet from—the line has been unable to secure a price to extend it. It just seems that the unwillingness—I receive complaints all the time.

Economically, in this province, we're looking at—I think it's a 20- to 40-year time frame of very low energy costs. I think part of making it, whether it be a business

or residence, more economical is trying to utilize these costs that are freely available in other jurisdictions. Any idea for any regulation changes you could see that would help our residents of Ontario actually benefit from that and bring down the cost of business? The cost of power, which is electricity—which is an alternative in many cases—is extremely uncompetitive.

Mr. Kenneth Quesnelle: I think what you're speaking to is something that has gone on since the advent of the widespread distribution of gas for residential basis: Where are the economics in it? I think what we have found in Ontario—and it's, again, not unlike other jurisdictions—is that when the regulatory schemes were developed for natural gas development back in the 1930s and 1940s and through to the 1950s in the large expansionary time periods, natural gas was not seen as an essential service. Part of the problem is, once you have it, it becomes essential. You have to be very cautious with expansion policies, because there's really no going back.

I think that the economics, if someone were to look at it now—even with the fracking supply-side innovations that have happened in the last few years and, therefore, the price of the commodity going down, you have to be really cautious, when you're putting a policy in place which may offset some of the infrastructure expansion costs, that you're not just taking advantage of a valley in those costs and that something ultimately could become uneconomical within the time frame. When you're talking 40 or 50 years for the renewal of these expansion assets, it's something that has to be taken with a lot of caution, I believe.

Again, going back to the portfolio approach, there are projects that would not turn a profit that are allowed in an aggregate basis, and I think that that's just an evolution of the business and that's the test as we have it today. From a board's perspective, we certainly don't have any plans to be going further than that.

Mr. Jim McDonell: As I say, if you look at the natural gas side, their unwillingness to actually—I guess nobody's expecting anything for free. There's always a cost extended, and it comes into that profit margin. But I would hope that, especially in short distances, when consumers ask for the construction costs extended—in the rural area where I'm looking at some farms, on the cost of drying a tonne of corn, the difference between the two, between propane and natural gas, can't be integrated into the price, especially this year. You're talking about the cost of drying corn at maybe a dollar a tonne versus \$15. It's a huge difference, just from the fact that natural gas is, in most cases, within a short distance, and people would be willing to extend it.

Anyway, it's something, I think, that we could at least address—

Mr. Kenneth Quesnelle: Just on that one, quickly, the board does consider those matters within its purview. They certainly are. The costs of construction, in the aid of construction, the board considers to be a rate. It's within its purview.

I won't get into the particulars. It's live and before the board right now. I don't think the decision has been

issued, but we have a case with deals specifically with what you're speaking to in the expansion costs, so that is something that the board, as a matter of its regular business, does oversee.

Mr. Jim McDonell: Okay.

The Vice-Chair (Mr. Rick Bartolucci): You have 30 seconds left, Mr. McDonell.

Mr. Jim McDonell: There's a lot of controversy over smart meters. They're coming up. I see that you have some expertise in that line. Was there any talk or any discussion between you and Hydro One before these were put in place, just quickly, or is that something entirely in their jurisdiction, and the energy board had nothing to say or nothing to do with that?

Mr. Kenneth Quesnelle: Oh, no; the board does definitely have something to say. The board spends a lot of time on consumer care issues. Certainly on that front, as an adjudicator, I wouldn't get too close to it at this juncture, because I may end up adjudicating on something that is germane to that, and I'm sitting on a live case right now. But I know there is ongoing communication between the board and Hydro One about these matters, looking for resolution on certain things that are occurring as we speak.

As to whether or not they're event-driven or particular to Hydro One versus industry-wide, those are all the types of things the board looks at in determining what its best next step is.

The Vice-Chair (Mr. Rick Bartolucci): Thank you, Mr. McDonell, and thank you, Mr. Quesnelle.

That concludes the time allocated for this interview. I thank you very much, and you may step down. You're invited to either stay and watch the vote later on, or we will inform you of the decision of the committee. Thank you so much.

Mr. Kenneth Quesnelle: Thank you very much. Thank you, committee members.

MR. MICHAEL BRYANT

Review of intended appointment, selected by third party: Michael Bryant, intended appointee as member and chair, Public Accountants Council for the Province of Ontario.

The Vice-Chair (Mr. Rick Bartolucci): Okay. Our next intended appointee today is Michael Bryant. He's nominated as member and chair of the Public Accountants Council for the Province of Ontario. I see he has already come forward and is taking his seat at the table.

Welcome. Thank you very much for being here. You may begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used in your statement will be deducted from the government's time, and the questioning after your presentation, Mr. Bryant, will begin with the government side of the House.

So, welcome. It's good to see you again.

Mr. Michael Bryant: Thank you, Mr. Chair. It's very good to see you again, too. I'm pleased to see a couple of

familiar faces—it's only been five years—and some new faces. I don't know if that's an advantage or a disadvantage, that I haven't served with some of you, but in any event, I'm grateful to be here.

I'm applying and have been nominated for chair and member of the Public Accountants Council. I just, in my statement, wanted to talk a little bit about the position and the legislation that created the position in the Public Accountants Council and the work that it does.

If it is doing its job, then it usually means that the issue is not before MPPs, but it wasn't always like that. If you were an MPP in 2003 or 1993 or even 1983, you would have in your constituency folder emails and letters from CGAs—certified general accountants—and from CAs—chartered accountants—now going by a different name: chartered professional accountants. You would have people come visit you in your office, and you would learn more about public accounting than you ever thought you would want to know. But the issue really came down to standards for public accounting, and access.

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Up until 2004, chartered accountants really had a monopoly over the ability to provide public accounting services. The certified general accountants—the CGAs—wanted to be able to perform those services.

It wasn't really a political issue, but it was one that engaged MPPs. Peter Kormos was, by and large, an advocate for the CGA reforms. Each of the other parties—the Liberals and the Conservatives—had some pro-CGAs and pro-CAs. The CGAs wanted change and the CAs argued that change would dilute the standards of public accounting, and then that would have a negative impact on the economy and on public accounting services. The CGAs argued that, “No, no. The standards will be fine. What we need is greater access and affordability to small businesses and individuals,” and if CGAs were given the opportunity to perform public accounting services, then that would happen. I can't tell you how many times it went into a government bill and then that government bill got amended, changed or dropped, or a private member's bill, which got amended, changed or dropped.

Finally, the Conservative government retained Ron Daniels, who was the dean of law at U of T at the time. Now he's the president at Johns Hopkins University. He made a recommendation, in essence, that the government of the day create a public accounting council that would take this issue out of the Legislature, if you like, and force a resolution on the parties, with representation from CGAs, CMAs—certified management accountants—and CAs on it, plus non-accountants. The chair was not to be a member of the accounting profession.

In 2004, I presented a bill to the Legislature along those lines, and it passed unanimously. It passed with very little debate—maybe even no debate—on unanimous consent. For those of you who served with Peter Kormos, you will know that that didn't happen very often. Peter didn't let that happen. He felt strongly that

there ought to be debate. But in this case, he felt that we ought to get that bill passed, and we did. Then the committee went off and did its work, and it did. I think the committee did do its work, in that we now have CGAs who do practise public accounting. CMAs and CAs were able to buy into the system, which would allow all three accounting professions to participate in the service.

My qualifications: Because of my experience in working with the accounting bodies as the Attorney General, who is responsible for working with most of the professions, except for the medical profession, and in forging a consensus around the legislation—there was a lot of back and forth with accounting bodies to seek changes and to try to get the parties to buy in, and then, once the legislation was passed, in appointing the committee and getting it set up and running and appointing the chair and working with the chair to get it up and running, and then letting it do its work, obviously.

Fast-forward to today. There are new changes that have arrived. Firstly, the accounting bodies are in the midst of merger talks. Two of the three have agreed to merge. The third, CGAs, is in talks with the CAs—I call them CAs, or CPAs, chartered professional accountants—to become one accounting body, which then begs the question: What role would the Public Accountants Council play?

Secondly, a decision came down from the Agreement on Internal Trade labour mobility tribunal, which has affected the role of the public accounting council in that the council took the position that Ontario has the highest standards, and if you're a CGA in Manitoba, you have to meet Ontario standards in order to practise public accounting in Ontario as a CGA. The tribunal said, “No. If you're a CGA in Manitoba, you're a CGA in Ontario.” Now the public accounting council has to consider how it sets and applies the highest standards for Ontario, if that can be impacted by what the standards are elsewhere.

Lastly, there is a move afoot to merge all the provincial accounting regulators, if you like, so that there are just national standards instead of individual, bifurcated provincial standards. It all sounds great and organized, but getting all the provinces to agree on something is never easy, and getting all the provincial accounting bodies to agree on something is not always easy. In that sense, it's a little bit like securities regulation; it sounds logical that they would all be merged, but it doesn't necessarily work out that way.

The interest, I guess, for an MPP is around consumer rights: how consumers are treated and the service that they're getting, on the one hand, and the impact that this can have on the economy—and sometimes these things can have a huge impact on the economy. What happened with Enron a number of years ago was very much an issue of public accounting standards, and the same may be true of the latest recession.

I'll tell you what I've been doing for the last couple of years, which is serving on a couple of non-profit charities: Pro Bono Law Ontario, which provides free legal services for Ontarians who can't afford them, and

the Pine River Institute, which is an addiction treatment centre for adolescents. And I've been working with Phil Fontaine, who is the former national chief of the Assembly of First Nations, at Ishkonigan, working with indigenous communities and businesses to do business together.

Thank you for your time. I look forward to your questions.

The Vice-Chair (Mr. Rick Bartolucci): Okay. You have one minute exactly, so who's going to do the questioning? Mr. Flynn?

Mr. Kevin Daniel Flynn: It leaves us about enough time to say hi. It's great to see you in the building again, Michael; thank you very much for coming this morning.

Just a very quick question: How did you find out about this position at this point in time, and have you been interviewed for the position?

Mr. Michael Bryant: You can see my brevity is what it always was.

The Vice-Chair (Mr. Rick Bartolucci): I was going to comment on that.

Mr. Michael Bryant: Yes. It was on the public appointments website. I applied and then I got a call; I interviewed with the chair and the vice-chair of the public accounting council, and they had a person that they had retained to do an executive search. Then I got the call to come here.

The Vice-Chair (Mr. Rick Bartolucci): Great. Thank you so much. Thank you, Mr. Flynn. We'll now move to the official opposition and Mr. McDonell.

Mr. Jim McDonell: Thank you for coming out. I guess I'm somebody who was not here when you were here in government.

You were involved with the current legislation, I guess, as you've gone over—looking back on it and how it has evolved over the years, what are your feelings on it? Is there anything that could be done to change it to improve it?

Mr. Michael Bryant: It's possible that the legislation will need changes as a result of the changes that I spoke of already. But I think it has done its work in that the issue stayed within the professions and stayed within the public accounting council and didn't come back to the Legislature, didn't come back to MPPs.

It really was a tri-partisan effort, that legislation; it really was. Everybody bought into it, so it was not one where I can say that we deserve a lot of credit for the fact that it didn't cause any trouble. It really was an instance where all three parties were supportive of it and it just did what it was supposed to do.

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But that said, it didn't anticipate, I suppose, the changes that I discussed previously with respect to the trade decision and also the merger of the professions. But if that happens, the council will have to make its adjustments and potentially come back to the Legislature for changes, if need be.

Mr. Jim McDonell: I'm not sure now, but about six, seven years ago, as far as municipal governments go,

they changed the accounting procedures that we use in Ontario, to be more like businesses, where we calculate depreciation.

I look back, and in my time, a lot of work went into that in setting tax rates. But, really, looking at the effect, if you look around now, most municipalities have two systems, with one that includes depreciation. It was supposed to indicate the infrastructure deficit that we have—and there's no question that it's huge—but it's really not being used. People still look at the day-to-day, getting municipalities—and setting the tax rate, and the depreciation really has nothing to do with that.

I'm not sure: Were you involved with that legislation? Any comments on that, on seeing what the intended use was and just how it's being used?

Mr. Michael Bryant: Mercifully, no, in that, really, the public accounting council was created primarily to set the public accounting standards. What you speak of, I suppose, is a work in progress, but it is under separate legislation.

Mr. Jim McDonell: Okay. Just a comment on that: It has been a number of years since it was put in place. When we went through budget periods, the depreciation around the municipalities, I thought, really was a useless stat that took probably thousands of hours across this province to generate, but it's something that's there and people are aware of it, but you're tied to safety standards.

Any other questions?

The Vice-Chair (Mr. Rick Bartolucci): Mr. Holyday?

Mr. Douglas C. Holyday: I'm kind of new to this process, as you know. I'm looking here and I see that there are 17 appointments and nine are by the cabinet. Are you one by the cabinet?

Mr. Michael Bryant: Yes.

Mr. Douglas C. Holyday: You are? And did you serve on this council before?

Mr. Michael Bryant: No.

Mr. Douglas C. Holyday: Not at all? Well, I'm just wondering how the cabinet makes such a decision. If there were 17 people on there before, some of them might have been on there for quite some time. Would there have been any others there that would have been there long enough and had enough experience to consider themselves, maybe, as the chair?

Mr. Michael Bryant: Yes. Well, the nine appointments that the cabinet makes are all people who are not members of the accounting profession and, in that sense, are all eligible to be either vice-chair or chair.

In the past, there has been a mix of people who were members and then became chair, and then there were instances where the chair was appointed directly as a member and the chair.

As to my own qualifications, I'm not going to repeat what I said before, but you're absolutely right: There are some very qualified people on that committee, and I think that's—

Mr. Douglas C. Holyday: I don't dispute your qualifications at all, but I just wonder—I guess, if we're

charged with appointing a chair to this particular committee, as it appears we are, there's a lot of missing information here. You wouldn't want to set something in motion that, in the end, there would be some resentment from some other members of the committee. I don't know if there are other members of that committee who feel that maybe they should have been here before us, asking us to perhaps take a look at their qualifications as well. I guess this is the system, though, that the government puts someone forward and it's up to us to say yes or no.

Mr. Michael Bryant: Yes, pretty much, although my understanding is that the executive search process that was undertaken by the public accounting council rendered a few names and interviewed a few people, and they were all people from outside of the council, as I understand it.

Whether that means that nobody from the council applied, I don't know, but I will say that there was a process that they did put in place and that they interviewed people and then made recommendations.

Mr. Douglas C. Holyday: Thank you very much.

Mr. Michael Bryant: Thanks.

The Vice-Chair (Mr. Rick Bartolucci): Any further questions from the official opposition? No? All right, then we'll move to the third party. We will begin with Mr. Marchese.

Mr. Rosario Marchese: Welcome, Michael.

Mr. Michael Bryant: It's good to be here.

Mr. Rosario Marchese: How does it feel to be sitting there as someone who needs to be appointed, and was a minister for a while, and an MPP as well? How does it feel?

Mr. Michael Bryant: Terrifying.

Mr. Rosario Marchese: It's an incredible feeling. I'll be supporting your appointment, so you don't have to worry about that, okay? But I do have a few questions.

I think it's fair to say that 99.9% of the population has no clue about the Public Accountants Council for the Province of Ontario. Would you agree with that?

Mr. Michael Bryant: Yes.

Mr. Rosario Marchese: And it's amazing how little we know about many of the public appointments that we have in government, but that's neither here nor there.

But one of the things that the researcher, Jeff Parker, put out that I think is very interesting—and I want to ask you about it and see what your opinions are—is that we've got all these accounting bodies and they're all self-regulated.

Mr. Michael Bryant: Yes.

Mr. Rosario Marchese: And like many accounting bodies that are self-regulated, we assume that they're doing their job to regulate themselves. But in this strange anomaly, we have your body that you're about to join, that is regulating the regulators.

Mr. Michael Bryant: Right.

Mr. Rosario Marchese: And that's highly unusual.

Mr. Michael Bryant: Yes.

Mr. Rosario Marchese: What do you think about that? Is it that we don't trust the other bodies, that they're simply incompetent or incapable, that somehow we do need another body to oversee their work? How would you view that? How would you justify your role and/or this body overseeing other regulatory bodies?

Mr. Michael Bryant: Yes, it's a good question. I think that if it were the case that this body was redundant, then that would be clear to us. But the reason that it exists is that you had each of the professions regulating themselves, but between those professions, they disagreed on who could perform public accounting duties. For years, we tried to come up with a legislative solution, but it was always a zero-sum political result in that either the CAs felt that they were losing something that they felt ought to be upheld, or the CGAs felt that they were being shut out.

So the reason this was created was to firstly set the standards by which each of the professions would apply and then be monitored to perform public accounting duties, and secondly to oversee that process of sticking to those standards. In essence, what's different about this versus the other professions is that those bodies actually came to the Legislature and said, "Create this new body. Implement the Daniels report so that we can get on with the business of public accounting."

Mr. Rosario Marchese: In the context of the Agreement on Internal Trade, one then presumes that everyone across Canada is pretty well equal in their professions. If that is true, even though there might be differences, they're all treated the same. So really, there are, under that agreement, no differences.

I recall your government trying to make a case, including one of the accounting bodies, that it would be a race to the bottom because, presumably, our standards were better, and some of the standards in other provinces were not as good. We lost that case, so we are now presumably all the same, and to be treated the same. If that is true, then these differences between these accounting bodies don't mean much. What do you think?

Mr. Michael Bryant: The differences between the bodies are still meaningful. The differences amongst the various provincial versions of each accounting body—you're right—are the same. What isn't clear, though, is that there are, believe it or not, other accounting bodies out there. The association of chartered accountants is not recognized as a body that can perform public accounting in Ontario. That will inevitably perhaps be a body that would come to the public accounting council to try and be included in that group. But then there's the question of, if you're a CGA in Manitoba and you want to practise as a CGA in Ontario and perform public accounting duties, in the event that the three bodies merge to become all of them, together, chartered professional accountants, can the CGA in Manitoba necessarily be an Ontario CPA? It's not clear from the decision that that is the case.

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Mr. Rosario Marchese: If they do merge, would that nullify your role?

Mr. Michael Bryant: That's a good question. Would the role just be reduced to the disciplinary supervisory role that it plays now—

Mr. Rosario Marchese: Which they would be doing as a regulatory body, I would assume.

Mr. Michael Bryant: Right. Is it there only to deal with the instance of another accounting body coming along and trying to join? Do those professions decide to carve out a role for the public accounting council? I would just be speculating.

Mr. Rosario Marchese: Michael, I think you're very qualified for the job. Good luck.

Mr. Michael Bryant: Thank you, Mr. Marchese.

The Vice-Chair (Mr. Rick Bartolucci): Any further questions from the third party? All right, then this concludes the presentation and the questioning.

Mr. Bryant, thank you very much.

Mr. Michael Bryant: Thank you, Mr. Chair.

The Vice-Chair (Mr. Rick Bartolucci): You're welcome to stay and view the vote, or we will inform you of the committee's results.

Mr. Michael Bryant: Thank you.

MR. BRYAN GILVESY

Review of intended appointment, selected by official opposition party: Bryan Gilvesy, intended appointee as member, Species at Risk Program Advisory Committee.

The Vice-Chair (Mr. Rick Bartolucci): All right. Our next intended appointee today is Bryan Gilvesy, nominated as a member of the Species at Risk Program Advisory Committee. Please come forward and take a seat. Welcome. Thank you very much for being here. You may begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions, and the questioning will start with the official opposition.

Welcome, Bryan, and we look forward to your presentation.

Mr. Bryan Gilvesy: Welcome, and thank you for granting me this time.

At first blush, you might look at me and say that a farmer who has trained at the Ivey Business School has no business advising the minister on the status of species at risk and the recovery thereof, but I would suggest to you that because of my experience, that's exactly why I'm uniquely qualified for this job.

First off, my family and I run the YU Ranch. We raise grass-fed beef, and we sell it directly to the marketplace. Our farm has become a mecca for sustainable agriculture. As a matter of fact, we get global visitors, both academic and business people, who come to study sustainability at our farm.

I teach sustainability at several business schools around Ontario, and because we're in the food business, it gives me a unique perspective on species at risk. In particular, if you understand that if that species that's at risk might be a bee, and that bee might have an effect on

what goes in your mouth or whether or not we in fact can feed ourselves, you begin to develop a better understanding.

So our whole brand and reputation is based on being a leader in sustainability. In 2006, I began leading a program called Alternative Land Use Services. It's a non-government, on-farm, environmental program that we simply call ALUS. As I said, it's non-government; it's community-based. It's farmer-delivered, and it's a mechanism that rewards farmers to produce benefits from nature.

I've personally raised over \$4 million for this effort. ALUS now operates in nine communities across Canada, and some of the members today are representing some of those communities. It's a very effective tool to get farmer engagement in the effort to grow more species. It harnesses their productive capability on their land in a very positive measure rather than penalizing them for looking after those species.

When I'm looking at species at risk, my philosophy is relatively simple. We tend to focus on regulations and on the species in their habitats, and I think the focus should only be upon people. If you correctly engage and get people in gear, the species will follow on their own and grow back. Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Thank you very much. When the government's time for questioning occurs, you'll have seven minutes and 40 seconds. We'll now start with the official opposition: Mr. McDonell.

Mr. Jim McDonell: Thank you for coming out today. I guess the committee and some of its decisions have certainly been in the public over the last couple of years. I think of a few instances. Going into it, what would your impressions be of the performance of the legislation and how it's been put in place to date?

Mr. Bryan Gilvesy: The legislation—listen, I think we all understand the need for legislation, because we come in with a need, or a feeling, as human beings to protect these species that need protection. I think that where regulations fail is that it fails to accommodate the other side of the story: How do the humans fit into that equation? So I think that the legislation, so far, has been effective at highlighting the need to protect species. But some of my farming brethren are, in fact, behaving in a different way. They're shooting, shoveling and shutting up about the species.

It tells me that on the land, people who are vital to the protection or regrowth of species are disengaged. I see that the regulatory approach is necessary, but I think it must be coupled with a more positive answer to the question: How are we going to get those species back? Who is going to do that work? And effectively, the constituency that I think can do that work is disengaged from the conversation right now.

Mr. Jim McDonell: I sat in on the report of the commissioner looking after this part of the—I guess his report was just last year. He talked about, specifically, the bobolink and some of the decisions they've made. He was critical of the fact that we've added a large number

of species to the endangered list and, in his opinion, many of them don't belong here, the bobolink being an example. We're at the northern portion of their environment and, actually, there's a reason why there's not many around here. It's just that it's too cold up here. Especially in a year like this, they would not survive. He talked about legislation running amok, and saying that if you really want to somehow protect this species, the answer is getting rid of the housecat, because that was really what the problem was. Any comment on that?

I guess, the thought is that they really have to look at the science. In any environment, there are always those areas where it's very marginal. Species do migrate out of the area that they should be in, but it doesn't mean they should be protected in those areas. It just means it's a fluke, basically.

Mr. Bryan Gilvesy: I might just give you a little history of myself and bobolinks. When the bobolink first got listed, it was greeted with some alarm in the farm community, and I made a collaboration with Anne Bell from Ontario Nature, and we made a recommendation to the government that there should be a cross-sectoral group formed, called the Bobolink Round Table, to advise the government on these exact issues. We have been through a thorough review of all the existing science, and I'm here to tell you that one of the things that leaps out at me is that bobolinks aren't that hard to get back if the farmers are engaged. Bobolinks don't necessarily have to be in conflict with agricultural activities. What's at conflict are the regulations. We've proposed, though the Bobolink Round Table report, some interesting things, one of them being a safe harbour concept, where farmers could actually do something good for the bobolink and get some—don't have the onerous portions of the act apply to them.

The science about the housecat and all that stuff is a little bit—you can point to many different reasons why bobolinks are in decline, the housecat being one of them. I hate to disagree with the commissioner, but we've seen all the science. I'm just here to say that if the species is in trouble, I think there's a way for the people of Ontario to get in gear and help recover that species.

Mr. Jim McDonell: I believe his point was that it wasn't in jeopardy. It just didn't belong here. That was the issue, and that's why it might appear the numbers are endangered in this area, but as you travel farther south into the US, where their habitat is and where they really belong—that is, there for a reason. They are not here for a reason. Anyway, that was his report of, I guess, 2012 to the Legislature.

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I know there's been a lot of talk about stopping projects. I think in Ottawa they had a project that was delayed months, only to find out it was a different bird than they thought it was and the project could have gone on. But it gives examples of tying up millions of dollars in projects where maybe that same money that was put into the delay could have been put into other programs

that actually encourage maintaining some of these species, because it is an important issue.

Any talk about that, how you'd really work around some of these projects that are going on? I guess this case in Ottawa was a multi-million-dollar project, but everything was held up for months because of a supposed sighting that actually turned out to be false.

Mr. Bryan Gilvesy: Yes. I've provided advice both through the round table and personally to the Ministry of Natural Resources on those issues. On those particular types of projects, the answer has come in a regulatory change to the Species at Risk Act, which allows for a streamlining of the process so that people who are trying to move ahead economically and do good things economically on the land aren't held up forever, but they can find a way out. That's manifesting itself in a regulation that will appear this spring, I think, called SARBEX, the Species-At-Risk Benefits Exchange. So that's first out of the gate.

Secondarily, the permitting process itself will be tremendously simplified. I'd like to say we've had a big, big hand in streamlining that process. Anybody coming into the development business or changing land use anywhere will find a much simpler approach. I'd like to think that we've had a lot of effect on that effort.

The Vice-Chair (Mr. Rick Bartolucci): Any other questions from the official opposition?

Seeing none, we'll move to the third party. Ms. Taylor?

Miss Monique Taylor: Good morning.

Mr. Bryan Gilvesy: Good morning.

Miss Monique Taylor: Thank you for being here with us today. You definitely seem to have a lot of experience with different species and being a farmer and everything that you've been doing—your qualifications. What actually led you to wanting to be on this committee? Were you asked to be on the committee? Is it something that you just knew was there and wanted to apply?

Mr. Bryan Gilvesy: No. I was asked by staff at the Ministry of Natural Resources if I'd allow my name to stand.

Miss Monique Taylor: Interesting. Do you have a specific project that you're hoping to initiate, or is there something that you're more interested in that you want to bring to the table?

Mr. Bryan Gilvesy: Not through this process, no. I've mentioned earlier that the environmental program I work on is called ALUS. It's intended to be national in scope. It's intended to also consider the fact that if a farmer produces something on his land that's beneficial environmentally, there are usually many, many co-benefits with it. We're trying to make clear that the public understands that farmers are contributors to the environmental wellness in more than just one dimension.

Usually, if I'm doing a project for bobolink, for example, I'm also cleaning the water. I'm also providing a habitat, perhaps, for a badger, and perhaps sinking carbon or cleaning the air. I think that's pretty exciting news.

Miss Monique Taylor: Very interesting. So what is it, as your role, that you expect to continue to do or to do differently than you've already been doing?

Mr. Bryan Gilvesy: What we're good at, what I think my talent is and what I can bring to the minister on this particular committee is that I think we've figured out how to engage people on the land, rather than disengage them or leave them behind or disenfranchise them on these conversations. I think that's a pretty important thing.

Through my program, we've got 200 farmers in Norfolk county and another 200 across the country actively involved doing environmental things, completely voluntarily.

Miss Monique Taylor: That's good. That's definitely what's necessary.

One more question: Are there at-risk species that you see, coming forward, that maybe people don't have their eye on at this point or that I simply wouldn't know about?

Mr. Bryan Gilvesy: The one that's interesting to me and that any of you who have been raised on a farm would identify with is a barn swallow. Barn swallows, if you grew up on a farm, always swooped over your head when you walked into the barn. They're in trouble, and I'm not clear as to why they are yet. But that's one that is sort of near and dear to my heart because we grew up with them in the barns, and on our fields they are pretty useful in helping to clean up some of the insects and flies that bother our cattle. So that's one that's interesting to me.

Miss Monique Taylor: So that's something that you'll maybe be looking further into—

Mr. Bryan Gilvesy: It's already on the radar. I mean, you begin to start hearing about what's coming into view on different species at risk. The barn owl is another one, for instance. The flora and fauna—the trees are very interesting to me. In Norfolk county, the flowering dogwood is our county tree, and it's endangered. The existing regulations have brought something interesting to bear on that.

Miss Monique Taylor: Thank you so much. Good luck in your position.

Mr. Bryan Gilvesy: Thank you.

The Vice-Chair (Mr. Rick Bartolucci): Mr. Marchese, any other questions? No?

Miss Monique Taylor: We're good.

The Vice-Chair (Mr. Rick Bartolucci): All right. Thank you very much. We'll now move to the government. You have seven minutes, 40 seconds.

Mr. Kevin Daniel Flynn: Thank you very much for coming today, Bryan. I have to admit I was intrigued when I saw the application because I think the average person on the street or in my constituency who I would have engaged in a conversation about species at risk would be more inclined towards Ontario Nature, would probably be an environmentalist; so I think you bring a unique perspective.

I've got a question from a consumer point of view. I am told I should eat a certain amount of red meat, and I'm assuming that you are a beef producer.

Mr. Bryan Gilvesy: Right.

Mr. Kevin Daniel Flynn: I've had corn-fed beef; I've had the grass-fed beef. You said you raise the grass-fed. I'm led to believe Alberta beef is raised on barley, shipped to the feedlots, fattened on corn, and then it goes to the supermarket. Yours are raised entirely on grass.

Is there a quality issue between the two? Am I going to find the grass-fed is, from a tenderness perspective—I know other people who would prefer to eat the grass-fed. They're saying that they've been kind of spoiled by the other.

Mr. Bryan Gilvesy: I could probably spend an hour with you on this, but suffice it to say that if you see the only quality in beef is AAA, you might not appreciate grass-fed beef, because it's not about producing fat. Our beef is nutrient-dense. It's intensely flavoured. It doesn't carry the fat, which then in itself means it has health benefits for you. Environmentally, I can demonstrate to you how it's better for the birds and the bees and all the species that exist.

It's a niche product. We find our own space, but it requires consumers to identify differently with beef and come to understand that there are more ways to qualify what beef is than simply AAA.

Mr. Kevin Daniel Flynn: Very good. That's interesting.

You moved out of tobacco and you went into the Texas longhorn business. Was the Texas longhorn ever a species at risk, or has that always been pretty—

Mr. Bryan Gilvesy: No. Texas longhorns—there are actually no native North American cattle. Texas longhorns were formed from the escapees from the very first settlers who came here, including Christopher Columbus, because they brought live cattle on the ships with them. They escaped to the western range and ranged all the way from Mexico to Alberta and became a distinct breed over 400 years. But they are not considered a native breed.

Mr. Kevin Daniel Flynn: Is it fair to say that the species at risk program was viewed by a number of people in the agricultural industry as being an adversarial policy?

Mr. Bryan Gilvesy: Absolutely. It's very scary for a lot of people.

Mr. Kevin Daniel Flynn: Okay. Can you expand upon how you engage people to change that?

Mr. Bryan Gilvesy: I like to have a slide I call "Farmers are afraid of the big green monster." I think it's funny how we on the land are there because we care about such things. That's why we're there. We found ourselves handing over the environmental debate to people who sometimes are living in condos in the big city. I think we understand this issue better. I think we can affect the issue more than anyone in society and I think we have the land, the skills and the resources to do so. I advocate long and loud for farmers to get in gear on this. This is something that we can produce on our lands

that has value to ordinary Canadians. If it has value, then certainly it can add value to the product I'm producing.

You might have noticed that I go to market completely speaking about not only our environmental benefits, but our health benefits from the way we farm. I think that's an exciting new frontier for farmers across Canada to attack.

Mr. Kevin Daniel Flynn: Thank you. Can you give an example of anybody in the industry who over the past couple of years, as you've been advocating—I notice you've won a number of awards here. Can you think of an example of somebody who perhaps in the past thought of this as being something they didn't want to be involved in and has now come to believe that they do?

Mr. Bryan Gilvesy: The member from Stormont—Dundas—Glengarry might enjoy this. I had in fact, in 2004, I think, joined the Lanark Landowners Association. I felt that disengaged from the conversation.

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Mr. Kevin Daniel Flynn: That's a big jump.

Mr. Bryan Gilvesy: I've moved a long way from there. You might notice I'm somewhat passionate about this. I understand from whence I came and what caused me to be that way, but I also understand the opportunity on this side. There are many farmers coming to this view across the country, and I'm finding that tremendously exciting.

Mr. Kevin Daniel Flynn: That's fantastic. I think you bring an awful lot of enthusiasm. I think you bring a different perspective. As you say, if you can bring people together, if that's your intent in serving on the board, I look forward to you serving there.

Mr. Bryan Gilvesy: Thank you.

Mr. Kevin Daniel Flynn: Any questions?

Ms. Dipika Damerla: How much time do we have left, Chair?

The Vice-Chair (Mr. Rick Bartolucci): You have exactly three minutes and 11 seconds.

Ms. Dipika Damerla: Thank you, Bryan, for your time here today. It's very fascinating to hear about your conversion, I guess, from one side to the other. Tell me a little bit about that personal journey, why that happened and what impact that's going to have as you contribute on this board, if appointed.

Mr. Bryan Gilvesy: My personal journey begins by a clear understanding of why or how the regulation causes you to behave in a way that's negative to the intention of the act. I understand that clearly. I have a picture of the day that I had the first government official ever on my land in 2005—ever. I just wouldn't allow it. Now I regularly host tours for all the government people. I loudly speak about the species at risk that are on my land.

I think there's an epiphany moment for all of us here. Just because they're species at risk and they're protected doesn't mean a guy like me can't apply his skills to make them not at risk anymore. I think it almost behooves us to think that we can make them not at risk. I think we can. We've got a ton of academics studying our work, in particular in counting species, and seeing that the results

are pretty clear, both on pollinators and on grassland birds. The work that we've done through ALUS has been phenomenal in the recovery of these species.

I think that's exciting news. I think it's absolutely exciting that the possibility exists that we can make them not at risk anymore and positively engage the people on the land to do that and make a good-news story out of this instead of a penalty for ordinary Ontarians.

Ms. Dipika Damerla: That's really fascinating because, you know what? I just read in the paper recently, as I'm sure many of you may have, that the passenger pigeon is extinct and they're trying—is it the carrier pigeon or the passenger pigeon? I forget. They're trying to reconstruct it from the DNA of stuffed, dead birds, trying to bring that species back, which just goes to show you that it's so much easier to conserve than to try to bring a species back which has gone extinct. So I really, really thank you for your passion on this and I wish you well.

But I do have a question: What can we do to get this epiphany moment that you had to others who are not on board yet?

Mr. Bryan Gilvesy: For a landowner, it's a pretty simple equation. We have to make decisions about how we're going to feed our families and put our children through school, and we cannot pencil in the value of a species at risk into those equations. I think that beginning a conversation about economically valuing nature is important so that people can begin to pencil that into any business decision they're making; and secondly, to try to get at the economic value of some of these things.

I work hard at those issues. I work very hard at trying to quantify the economic value of some of the benefits that nature provides for us. That way, everybody can be a participant. Of course, I've long advocated for this. You can be a participant if you voluntarily want to be.

The Vice-Chair (Mr. Rick Bartolucci): Thank you very much, Mr. Gilvesy, for your frankness and for your passion, and for answering the questions so well. This concludes the time allocated for the interview.

We'll now move to concurrences. We will now consider the concurrence of Kenneth Quesnelle, nominated as vice-chair of the Ontario Energy Board. Would someone please move the concurrence?

Ms. Mitzie Hunter: I move concurrence in the intended appointment of Kenneth Quesnelle, nominated as vice-chair, Ontario Energy Board.

The Vice-Chair (Mr. Rick Bartolucci): Thank you, Ms. Hunter. Is there any discussion from anyone? All in favour? Opposed? Carried.

We will now consider the concurrence for Michael Bryant, nominated as member and chair of the Public Accountants Council for the Province of Ontario. Would someone please move the concurrence?

Ms. Mitzie Hunter: Mr. Chair, I move concurrence in the intended appointment of Michael Bryant, nominated as member and chair, the Public Accountants Council for the Province of Ontario.

The Vice-Chair (Mr. Rick Bartolucci): Thank you, Ms. Hunter. Is there any discussion from any member? All in favour? Opposed? Carried.

We will now consider the concurrence of Brian Gilvesy, nominated as member of the Species at Risk Program Advisory Committee. Would someone please move the concurrence?

Ms. Mitzie Hunter: Mr. Chair, I move concurrence in the intended appointment of Brian Gilvesy, nominated as member, Species at Risk Program Advisory Committee.

The Vice-Chair (Mr. Rick Bartolucci): Is there any discussion from any member? All in favour? Carried.

This ends the concurrence section.

COMMITTEE BUSINESS

The Vice-Chair (Mr. Rick Bartolucci): We still have a few—do we have any time left, Clerk?

The Clerk of the Committee (Ms. Sylwia Przewoziecki): We have nine minutes.

The Vice-Chair (Mr. Rick Bartolucci): We have nine minutes left. We will now revert back to the adjournment discussion. Thank you, Mr. Marchese, for allowing us to be able to do that today. Monique?

Miss Monique Taylor: I'd like to call the question, Chair, please.

The Vice-Chair (Mr. Rick Bartolucci): Okay. All right. If there is no one who wants to speak, we'll call—

Ms. Dipika Damerla: Chair?

The Vice-Chair (Mr. Rick Bartolucci): But there is, so we'll move to Ms. Damerla.

Ms. Dipika Damerla: Yes. I had the floor when we—I guess I don't know what the technical word is—adjourned or suspended the discussion on this amendment, so I'd like to continue to speak to it. I believe it's possible that my colleague, MPP Hunter, might have something to say; I'm not entirely sure.

The Vice-Chair (Mr. Rick Bartolucci): We will then continue the discussion.

Ms. Dipika Damerla: Thank you, Chair. Just picking up from where we left off, the whole issue is around a motion in front of this committee, a motion presented by MPP Marchese that, I believe, seeks to get some information from Metrolinx. The timeline that they are seeking for the government to provide this information is 30 days. We here in government believe that 30 days isn't adequate time. That's what we were discussing, and I'd like to add my thoughts to that.

Chair, one of the things that I find very, very interesting is that the Leader of the Opposition, Mr. Hudak, never loses a chance to say he's going to find efficiencies in government and in the bureaucracy, and how he's going to—I'm going to only guess—lay off people to ensure that it's lean and mean. But my question is, this is the same opposition—in this case, of course, it's the NDP, but there have been several unlimited requests for information. I always wonder, how on earth are you going to find these efficiencies in government and lay

everybody off, but still expect them to do all of this stuff pronto in 30 days?

Let's just look at our own lives as MPPs. We have full lives, and if somebody was to come to me and say, "Listen, I want all of this information, going back X number of years, from your constituency office. By the way, you cannot stop doing everything else that you do in your role as a legislator, in your role as a constituency person, in your role as a critic if you're in the opposition or in your role and your ministry duties if you're in government. And, by the way, provide all of this in 30 days, 20 days" or some unreasonable time frame and actually expect it to be done. This is something I just want to throw out there as food for thought as we consider things like this.

That just speaks to our need to ensure that our bureaucrats have the time that they deserve to do a fulsome job and to ensure that they do all of the searches, because one of the things that I do believe that we are faced with is a question where some of these asks are pretty open-ended. You try and give the information that you think is pertinent, and then the people who demanded the information come back and say, "Well, that's not enough," which would be fine, except that they turn it into a partisan issue and try to suggest that it's not fine, because you had an agenda and you were trying to hide things.

In this kind of environment, I do believe that it's very, very important that we give bureaucrats as much time as they need to ensure that they get it right the first time. These are some of the things that concern me when I see a 30-day timeline.

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One of the questions I would have—I mean, the way our debate is structured, it doesn't really allow us a conversation. But I would like to ask if there was ever an opportunity—maybe perhaps I can ask outside, ask MPP Marchese. How do you come up with the 30 days? You're asking for this information, but how on earth do you know that 30 days is enough? What were the parameters? What goes into this? Do you just think about this timeline and say, "Okay. You know what? Thirty days. Yes, that sounds about right"? How exactly—I mean, there is no process by which you first ask the bureaucrats. To me, the process ought to be—"This is the sort of information we are looking for." Go to the person who has to actually deliver it and ask in the first place, "This is what we're looking at. Would this be a reasonable time frame?" To me, that seems like a much better process: for them to have come to us in government and said, "This is the sort of information we are looking for."

Quite frankly, as a backbencher MPP, I'm just as interested in information as anybody else—but to ask that question so that the process is more robust, so that we don't have this back and forth where you propose 30 days, 20 days or whatever number of weeks strikes your fancy at that point and then we have to, at our end, scramble and then go through this process of responding and then come up with an amendment.

What if MPP Marchese had just approached us directly and said, “You know, committee, this is what we are looking at. Can you check with your ministry folks and say, ‘Would this?’”—and I see MPP Marchese smiling, so perhaps he agrees with my point of view or does see the logic to what I’m proposing. It does seem logical. You’re asking for something—like, when I ask my staff for anything, I always ask them, “How long do you think it would take?” If I want something in 24 hours and they think that they need 48 hours and I want it in 24 hours, then I have to be ready to give them additional resources.

So my question to the opposition would be, if you want the 30 days and government says that 30 days is not adequate, you have two choices: Either we say, “Okay. What is a reasonable time frame?” or you in opposition are willing to go and say, “You know what? We’re willing to work with you to authorize more resources to the bureaucracy,” and what would your taxpayer have to say to that? I mean, that’s a good question.

Mr. Jim McDonell: I have a point of order.

The Vice-Chair (Mr. Rick Bartolucci): Sure. Point of order, Mr. McDonell?

Mr. Jim McDonell: It’s clear that there’s a filibuster. You don’t want to have the vote today. We might as well adjourn now. You’ll call an adjournment. We’re talking about something that—I thought your leader, your Premier, talked about transparency. We’re talking about a number of reports that are done and could be released. I’m not sure what the issue is. It just needs to put this information out—30 days. We’ve had the privacy commissioner talk about—

The Vice-Chair (Mr. Rick Bartolucci): I think, Mr. McDonell, it is debate as opposed to a point of order, but I think you’ve made your point.

Mr. Jim McDonell: If you just don’t want to do it, don’t—

The Vice-Chair (Mr. Rick Bartolucci): We’ll go back to Ms. Damerla.

Ms. Dipika Damerla: Thank you, Chair. Well, thank you, MPP McDonell. Since the point has been raised, Chair, I’d just like to address it, which is that I have seen

the very same opposition spend hours and hours in the Legislature discussing bills that don’t need to be discussed, and they have said, “It is my right as an MPP to be able to speak to this bill.” Well, I can only hope that they would give us, on this side, the same right to speak to an issue for as long as we think it deserves a fulsome debate, because isn’t there a saying in English, “What’s good for the goose is good for the gander,” or is it the other way around?

The Vice-Chair (Mr. Rick Bartolucci): Either way.

Ms. Dipika Damerla: Yes, either way. So just building on that idea, what is good for the goose—

Interjection.

Ms. Dipika Damerla: Yes, there you go. What’s good for the Tories and what’s good for the NDP—although I have to say that the NDP is much more reasonable on that, and thank you very much. But what’s good for the Tories surely ought to be good for the Liberals. So please do give me the time that I need to speak to this issue. I would appreciate that.

Anyway, going back to my original point, we were talking about the need and the process that is being used now and what I think is a way to improve the process so that, a few weeks from now, we won’t be back here with some other request with another timeline that is not practical and then I or some other MPP in my place will have the task of explaining to the opposition why the 30 days or 20 days that they asked for is insufficient and why we need to increase that time. So perhaps there is a lesson to be learned from this experience. It could have been learned from past experiences, but if not, here is one where, going forward, I hope that if the loyal opposition or the third party wants to bring forward—

The Vice-Chair (Mr. Rick Bartolucci): I think it’s time to adjourn.

What I would suggest is maybe that the Clerk talk with the Chair as to how we’re going to move forward with these amendments and motions.

The meeting is adjourned.

The committee adjourned at 1025.

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A-18

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 25 February 2014

Journal des débats (Hansard)

Mardi 25 février 2014

Standing Committee on Government Agencies

Agency review: Metrolinx

Comité permanent des organismes gouvernementaux

Examen des organismes
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 25 February 2014

Mardi 25 février 2014

*The committee met at 0901 in committee room 1.*AGENCY REVIEW: METROLINX
COMMITTEE BUSINESS

The Chair (Mr. Lorenzo Berardinetti): Good morning, everyone. Welcome to this meeting of the Standing Committee on Government Agencies. The first order of business on our agenda is the motion that's currently on the floor. When this committee adjourned last week, members were debating the motion, moved by Mr. Bartolucci, to amend a motion previously moved by Mr. Marchese. You all have the text of these two motions in front of you, the main motion and the amendment.

For the sake of those members and other individuals who were not here last time, and for Hansard, I would ask Mr. Marchese, before we resume our debate, to restate his motion for the record and Mr. Bartolucci to restate his amendment. Now—

Mr. Mike Colle: Point of order.

The Chair (Mr. Lorenzo Berardinetti): Point of order, Mr. Colle.

Mr. Mike Colle: Given that it looks to me like there are about six amendments that we're looking at and we've got two fairly benign appointments—and I don't mean that in a derogatory sense to the appointees—could we deal with that and have the people present and move on to the motions? Because we've got a number of questions about the motions; I have, anyway.

The Chair (Mr. Lorenzo Berardinetti): Okay. Mr. Marchese.

Mr. Rosario Marchese: I want to say that we're not prepared to do that today. We gave the government an opportunity last week to spend 20 minutes to give us their view on the matter. We gave the government two months to deal with this, so Metrolinx and the ministry have had two months since we moved this motion on December 20. We have been respectful of the government in terms of their desire to avoid dealing with this matter, and I think we're ready to deal with the motion. If the government wants to continue debating this issue, God bless. With all due respect to the people that are here for the appointments, they will have to simply wait for another day.

The Chair (Mr. Lorenzo Berardinetti): There are only two appointments, so we have at least half an hour to debate this. You're saying that you want to debate this now—

Mr. Rosario Marchese: I understand.

The Chair (Mr. Lorenzo Berardinetti): —and have the appointees wait? Because—Mr. Yurek.

Mr. Jeff Yurek: Chair, I support Mr. Marchese's motion to continue debating. We've had this motion in front of the committee since December, and there has been ongoing debate upon it. Each time we do move to do the people coming in for their roles, we somehow never come to conclude this debate. I think if we take care of this now, I'm sure the government will be expedient in what they need to say so that we could get these motions out of the way, and then we'll look forward to the appointments as soon as possible.

The Chair (Mr. Lorenzo Berardinetti): Let me just clarify with the committee Clerk, because we have scheduled these two here. I just wanted to check with the committee Clerk.

Okay. So what we'll do, because we have half an hour, is that we'll deal with the motion for half an hour, and then we have to deal with the appointments that are here today.

Mr. Rosario Marchese: No, we don't, actually. I think the first item is resuming the debate on the amendment, and there is no rule that says that it's a half an hour or an hour or two hours. We understand that there are two appointments that have to be dealt with. But as far as I'm aware, there's nothing that simply says to the Chair, "We'll give you a half an hour to discuss this motion, and then we'll end it." I think we should deal with this motion that is before us, vote on it, or simply have the Liberal caucus speak for the whole time, until 10:25, if that's what they want to do.

The Chair (Mr. Lorenzo Berardinetti): Because they are here today. And I don't mean to be rude, but next committee meeting we can not put anybody on here and just spend the whole time. But—

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Yes. I mean, the next meeting, next week, we can just spend the whole time. But we've got—

Mr. Rosario Marchese: It's up to the Liberal caucus to decide that.

The Chair (Mr. Lorenzo Berardinetti): So then I—

Mr. Mike Colle: Point of order.

The Chair (Mr. Lorenzo Berardinetti): Yes, Mr. Colle.

Mr. Mike Colle: I'd like to get this on the record. I'd like to move a motion that the order of proceedings be

reversed: that we deal with the appointments first, and we then proceed with the debate on the motion.

The Chair (Mr. Lorenzo Berardinetti): Okay. The committee Clerk has advised me that the 9 o'clock item is on the agenda, and unless we get unanimous consent to put this discussion aside and deal with the two appointments and then come back—so do we have unanimous consent?

Mr. Rosario Marchese: No.

The Chair (Mr. Lorenzo Berardinetti): We don't. Okay, so then we're going to have to resume debate on the amendment that was moved by Mr. Bartolucci and that's in front of us today.

Mr. Mike Colle: Mr. Chair, can I call for a recess? I want to get up to date on the motions. I want to get some background information, being new to the committee. I'd like to call for a 20-minute recess.

The Chair (Mr. Lorenzo Berardinetti): Agreed? Okay. So we're recessed for 20 minutes.

The committee recessed from 0908 to 0928.

The Chair (Mr. Lorenzo Berardinetti): This committee is now back in session.

Mr. Rosario Marchese: Mr. Chairman, can you please speak up? Because I'm really having a difficult time.

The Chair (Mr. Lorenzo Berardinetti): Okay. Sorry.

I just wanted to ask two quick questions. There is the subcommittee report in front of us. I believe we had unanimous consent to adopt the subcommittee report dated February 20, 2014. I just need someone to move adoption of the motion.

Miss Monique Taylor: I move adoption of the subcommittee report on intended appointments dated February 20, 2014.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Miss Taylor. Would someone please move the adoption of the report?

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Oh, I'm sorry. All in favour? Opposed? That carries.

One other thing: extension of the deadline. There are two intended appointees selected for review by this committee whose deadlines for review expire on March 2, 2014, which is before our next meeting. They are Karen Kraft Sloan and Marcia Valiante, both nominated as members. They were selected from the January 31, 2014, certificate. Do I have a motion to extend their deadline?

Mr. Mike Colle: Can you please explain that to me? Who are these people?

The Chair (Mr. Lorenzo Berardinetti): Okay, very quickly. The two people are Karen Kraft Sloan and Marcia Valiante, both nominated as members to the Environmental Review Tribunal (Environment and Land Tribunals Ontario) and the Ontario Municipal Board, (Environment and Land Tribunals Ontario). They were selected from the January 31, 2014 certificate. All I'm asking is if we can extend deadlines; otherwise, it will be adopted automatically.

Mr. Mike Colle: The deadline is for what? This is what I don't understand. I thought we had two other people before us.

The Chair (Mr. Lorenzo Berardinetti): Yes. These are the ones that will come in—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Yes. these are for the next meeting. The next meeting is April 2—I mean, extend it to April 2. We'll meet before then, and we don't want these two to expire. So I'm just asking that we have unanimous agreement to extend the deadline to consider the intended appointments of these two individuals. All in favour? Opposed? That carries.

Now, we have two people here. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Anne Egan, nominated as member, Building Materials Evaluation Commission, to April 2, 2014; and also, do we have unanimous agreement to extend the deadline to consider the intended appointment of Justin Duncan, nominated as member, Environmental Review Tribunal (Environment and Land Tribunals Ontario) and the Ontario Municipal Board (Environment and Land Tribunals Ontario) to April 2, 2014, just in case we don't get to them today? All in favour? Opposed? That carries.

Now we go back to the motion we were debating earlier and the amendment to the motion. Mr. Marchese has the motion, and the amendment was moved by Mr. Bartolucci. They have to be read into the record again. Ms. Taylor?

Miss Monique Taylor: Oh, sorry. Read into the record again? Didn't you just do that? Okay, go ahead.

Mr. Rosario Marchese: That's fine.

I move that the Standing Committee on Government Agencies request from Metrolinx and the Ministry of Transportation the production of all documents and correspondence related to any market studies conducted between January 1, 2010, and December 3, 2013, related to ridership projections for the air-rail link; and that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable PDF.

The Chair (Mr. Lorenzo Berardinetti): Thank you. And the amendment, as well.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Just very quickly, I'll read the one amendment that Mr. Bartolucci moved:

"I move that the following sentence be struck from the main motion:

"that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable PDF."

"And replaced with:

"that these documents be produced within 60 days of this motion passing, and that responsive documents be provided in an electronic, searchable PDF."

Ms. Taylor.

Miss Monique Taylor: I'd like to call the question, Chair.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I think the Clerk will explain to you—

Mr. Mike Colle: Could we have a public explanation of this?

The Chair (Mr. Lorenzo Berardinetti): Yes, once she gets back.

Mr. Mike Colle: This sotto voce stuff, I don't agree with.

The Chair (Mr. Lorenzo Berardinetti): Okay. Let the Clerk explain it. She's better at it than I am.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): My apologies. My understanding is that if the member is moving a motion for closure, then the way that motion would be put is, "I move that the question be now put." Then, procedurally, it is up to the Chair to determine whether or not there has been sufficient debate on the motion, that everyone who has wanted to speak has been heard and that nothing new is being added to the debate. If the Chair believes that all of these conditions have been satisfied, then he will allow the motion for closure to be voted upon. If the motion is voted upon, then the next question put by the Chair is on the main motion, so any amendments are lost at that point and the next question is on the amendments. That would be the procedure for moving closure on an item of debate.

The Chair (Mr. Lorenzo Berardinetti): Ms. Damerla.

Ms. Dipika Damerla: I was just going to say that I would like to debate this amendment further. Last time when we adjourned, I was still speaking to it when we ran out of time. I've been seeking your attention for a few minutes now just to say that. So I just wanted to make it clear that we have this amendment that we'd like to debate, and because I heard the Clerk say that, once this amendment is voted on, we go directly to the main motion—but we might have other amendments to the main motion, so I wanted to understand what the procedure is.

The Chair (Mr. Lorenzo Berardinetti): Okay. Miss Taylor, did you want to say something?

Miss Monique Taylor: Well, yes. I would like to request that the question now be put. We've been debating this for quite some time. This motion was brought forward in early December. I think it's time that we move forward, especially in respect to the candidates that we have coming before us, to hear their delegations.

The Chair (Mr. Lorenzo Berardinetti): Okay.

Mr. Mike Colle: Point of order.

The Chair (Mr. Lorenzo Berardinetti): Mr. Colle.

Mr. Mike Colle: Just to put it on the record: I have not spoken on this, and I would like to speak.

It's kind of rich for the NDP to say, "Let's move ahead." When we asked for a 10-minute time to let the candidates come forward and get on with this, they said no. Now they're saying, "Let's defer to the appointments

of the people who are here." You can't have it both ways. You can't suck and blow at the same time.

Mr. Rosario Marchese: Speaker, I think you should rule on the motion.

The Chair (Mr. Lorenzo Berardinetti): Okay. Why don't we do this: limit their time, give them a chance to speak, because Mr. Colle has not been here—and limit her time too.

Mr. Rosario Marchese: Just so that you know, Ms. Dipika Damerla had 20 minutes the last time to speak to this, and she wants to continue—so that you're aware, because I'm not sure that you were here the last time.

The Chair (Mr. Lorenzo Berardinetti): I was not here last time. I apologize.

Ms. Dipika Damerla: Chair, I'm happy to let my colleague speak to the motion. But I didn't get an answer to my question, which was: If we had another amendment—if we vote on this amendment at some point and we have another amendment—because I heard you say that we go to the main motion. So do we have to table it now, or what's the procedure? Just so we don't—

The Clerk of the Committee (Ms. Sylwia Przewdziecki): No. To clarify, if the vote is put on a motion for closure—that is, if the Chair determines that there's been enough debate, that we're now going to vote that the question be now put, and he permits that vote to be taken—then, if that vote carries, the next question put is on the main motion. So, yes, there is no further opportunity for amendment or debate.

Ms. Dipika Damerla: Yes. So is this the time for us to introduce our other amendment, while this one is going on? That's my question, because how do I preempt to make sure that we are able to introduce our other amendment? Because if, say, one of the members of provincial Parliament seeks closure right after this and the Chair rules on that, but we have a valid amendment—I'm trying to understand. How do I make sure that my amendment gets to the floor? Because I don't know when they ask for closure, right?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Right. So there would be no further opportunity to amend once closure has been—

Ms. Dipika Damerla: So can I introduce an amendment now, while this one's on the floor?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): You could introduce an amendment to the amendment. But no, only—

Ms. Dipika Damerla: But what about an amendment to the original motion?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): There's currently one being debated.

Ms. Dipika Damerla: Sorry?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Only one can be debated at a time. There's one on the floor—

0940

Ms. Dipika Damerla: I understand that. Do you hear my quandary, though? You do hear, and I want to know what the process is.

The Chair (Mr. Lorenzo Berardinetti): I'm going to allow Mr. Colle to speak, and then we'll just take the vote. Okay?

Ms. Dipika Damerla: Sorry, but my question hasn't been answered.

The Chair (Mr. Lorenzo Berardinetti): All right. So we'll allow the debate to proceed and we'll let Mr. Colle take the floor.

Mr. Rosario Marchese: We're dealing with one amendment only and then we vote on it?

The Chair (Mr. Lorenzo Berardinetti): We're dealing with one amendment.

Ms. Dipika Damerla: I need a procedural answer to the situation that you have painted, which is—

The Chair (Mr. Lorenzo Berardinetti): At this point, I'm not entertaining a motion for closure, so I'm going to let Mr. Colle speak, because he wasn't here last time.

Ms. Mitzie Hunter: Chair, a question as well: I just wanted to ask you if I would have the opportunity to speak to this amendment, as well, following Mr. Colle.

The Chair (Mr. Lorenzo Berardinetti): Have you spoken to it before?

Ms. Mitzie Hunter: I have spoken to it for a very, very brief amount of time, but I didn't have an opportunity at the last meeting to speak to it.

The Chair (Mr. Lorenzo Berardinetti): I'm going to allow Mr. Colle to speak, okay? Go ahead, Mr. Colle, on the amendment here.

Mr. Mike Colle: Okay, on the amendment.

Interjections.

Mr. Mike Colle: There's more sotto voce here, so I have to wait.

The Chair (Mr. Lorenzo Berardinetti): Go ahead. Sorry.

Mr. Mike Colle: Okay, thank you, Mr. Chair. Again, the motion just calls for a very simple, I think reasonable change that says getting these documents, rather than in 30 days, in 60 days. I think that's very reasonable. Given the complexity of all the information that's been asked for, I think it's profoundly reasonable to do it. I know it's done in other committees all the time. Just going forward with 30 to 60 is reasonable, considering the complexity of the request.

Sometimes we think in committee that we can snap our fingers and ask for information. I know I've done that sometimes myself, not realizing how complex and how difficult it is for ministry staff and, in this case, Metrolinx, the Ministry of Transportation, to find it.

We sometimes forget that most of these people in the ministry, the people employed in Metrolinx especially, are extremely taxed in terms of their agendas. I think it's not only people here but people in the general public who don't realize that their day-to-day work is very crucial to the operation and the servicing of the public.

Right now, Metrolinx is operating GO Transit. Hundreds of thousands of people across southern Ontario depend on GO Transit to get them to work and home every day, whether you're on a bus coming from Barrie,

whether you're on the GO train coming from Oshawa—whether you're on the bus coming from Hamilton or the Niagara Peninsula where you get GO service. It is not an easy task to operate the system, considering—especially this year, the climate challenges have been incredible in terms of icing of the track, the switches. The switches have been a serious, serious problem, considering the icing that has been occurring. These are front-line workers, directed by supervisory staff, that have that responsibility; 24/7, they have to deliver that GO Transit service. And for us to all of a sudden say, “Hey, stop everything you're doing and give us all these reports”—they'll give you the reports, but just be reasonable. That's all I'm saying. Just take into account that these men and women are delivering an essential service—that is, public transportation—every day of the week, and it is not an easy task to do.

There are a lot of safety issues and, as I said, weather issues, timing issues. It is a job that many of us don't appreciate. It is not an easy job to deliver that kind of transportation service through these corridors, as GO operates the bus service plus the train service across the GTA 24/7.

While they're operating that, at the same time we've asked them to basically construct the largest transit project in Canadian history. The largest transit project in Canadian history is under way right now on Eglinton Avenue. It's essentially about a \$5-billion project that GO is managing, as we speak, through some of the most horrendous traffic situations, through the most difficult engineering situations. I know it very well because parts of it go through my riding. The Eglinton Crosstown line goes from Black Creek Drive, which is near Jane Street. It's intended to go all the way across to Scarborough, and 19 kilometres of it is being tunnelled as we speak. There are two tunnel-boring machines in the ground right now. They've almost made their way from Black Creek to Keele Street. No, they're beyond Keele; they're almost approaching Caledonia.

This is Metrolinx that's doing it. It's a new organization, basically. It has been there in a planning function, but now it's an operational entity that is essentially building up a capacity to build, again, the largest transit project in Canadian history.

You will see this tunnelling, which means that every time you come across utilities like sewers and electrical, you come across all kinds of variations in soil. It is extremely precarious work. It's very dangerous work, being underground 50 to 100 metres with these massive machines, which are twice the height of this room.

By the way, these machines are manufactured here in Ontario, near the airport, at a plant that used to actually belong to—it was a Canadian-owned plant built by the Lovat father and son but bought by Caterpillar. These two giant machines are underground.

They are moving utilities all across Eglinton. While they're moving utilities, they also have to put in shoring walls at all the projected stations, which is another very complex work which requires not only engineering

underground—the pre-planning, the co-operation with the city of Toronto, the co-operation with Toronto Hydro. This is work that's going on. They're working two 10-hour shifts to do this work.

Everybody here—not everybody here, but some people here think, “Oh, well, Metrolinx, you're not busy enough. Here. Go get us all these documents in 30 days.” All I'm saying is, just give them a reasonable time, and they'll deliver the documents in 60 days. But let's take a minute to understand the very, very unprecedented amount of work that Metrolinx is doing.

As I said, they're building this mammoth tunnel from Black Creek Drive all the way to Laird Drive in Leaside—totally underground. It's got to go underneath Dufferin Street. It's got to go underneath the Allen expressway. It's got to go underneath the York University subway line. I know some of my colleagues here are from eastern Ontario. The subway is going north and south, so this new tunnel has to be dug underneath the existing subway that goes north-south. And then there are utilities under there. It's a massive project, very complex, that has to be done.

0950

Then they have to get to Bathurst Street. They are now starting to work there. They have to get underneath the Yonge Street subway with this tunnel. That is going to be an extremely—and everybody here says—you've heard at the city of Toronto, and I know the former mayor of Etobicoke will tell you, that everybody just says, “Oh, well, just build them. It's easy.” They don't understand the amount of money, the preparatory work, the environmental assessment work that goes on and all the engineering difficulties, and then you've got to actually do the work.

Those are two projects that Metrolinx is totally engaged in right now. They're doing GO Transit 24/7. They're doing the Eglinton Crosstown line as we speak—a \$5-billion project of unprecedented scale and scope that's under way right now.

Then, at the same time, they've been asked to build the air-rail link from Union Station all the way up to the airport and beyond to Georgetown. That, again, seems easy, because there's already a rail line going there. But they had to make major upgrades to all the bridges going north and south. They've had to do a massive overhaul of the bridges, because the frequency of the new trains etc.—they couldn't safely take the new trains. So the bridges have had to be rebuilt in the airport rail link.

Then they've also been asked to tunnel in the old town of Weston because the people in the area didn't want the train running at grade, so there's a tunnel being added where the station in Weston is, that the people in Weston wanted.

Metrolinx, again, has been asked to do this air-rail link. They've never done one before, but they said, “Well, we need to do it because we're the only city in the world outside of Dhaka in Bangladesh that doesn't have mass transit to the airport.” We're the only one, the only city. So they said, “Build us an air-rail link,” and the

decision was made, through the city of Toronto and everybody else: “Well, build us this air-rail link from Union Station.”

Then they found out Union Station couldn't take the new train, so we've had to rebuild Union Station. If you've been down there, just take a look at the complexity of that project. It is beyond my comprehension how complex that engineering project is, where you've had to rebuild a 200-year-old station to handle not only the daily CN line, the daily GO trains—and the subway goes in there. Now they've been asked to handle the air-rail link. They said, “Oh, here. Redo Union Station, and do it tomorrow.”

I'm not trying to—they get well paid: they've got enough resources. I'm not crying poor for them. I'm just telling you the lay of the land on this thing. That's all I'm trying to say to you, if you're being objective about it.

The air-rail link: a lot of complex challenges they've had, rebuilding all those bridges, especially, and the at-grade crossings, the Eglinton Crosstown. Then, at the same time—and they're not involved in this as directly, but they certainly do get involved because of their work on the Crosstown and other work—we're building another subway up to York University and the city of Vaughan, another billion-dollar project that's going on, a massive mass-transit subway system.

So you've got these three massive projects going on. In two of them, Metrolinx is leading; in the other one, Metrolinx is a partner, along with the TTC, in building the line up to York University and the city of Vaughan. Right now, that line stops at Sheppard, so now they're going to extend it all the way up to—it looks easy on a map: “Oh, yes, just extend the subway line up to Steeles, and then extend it up to York University.” It looks easy on a map; meanwhile, all this construction and complexity is going on. If you go up Keele Street, Finch—any of those streets—there are massive traffic problems because they're tearing up all those streets and, again, tunnelling up there at the York University extension.

This is what Metrolinx is doing. They're doing these massive new projects that they've never done before, and then they're also, as I said, running the GO system, which is one of the best systems of its kind anywhere, because it is a rail-based system—it operates. It is the bread-and-butter link for people in the morning. They have to have that GO. If the GO isn't there, they ain't going to get to work. Again, it's got to be done properly, safely, on time and efficiently, and so they are daily doing that, handling hundreds of thousands of commuters who rely on GO.

These are the types of things that GO is busily working with. I just wanted to put that on the record, in context, because, just in terms of fairness, I'm saying that instead of 30 days, give them 60 days. Get all the information that you want—and they'll get it to us. Within reason, I can't see why you won't support the 60 days, which is much more reasonable. It gives the Metrolinx people time to do it properly and not to have to go and divert all their attention—not all their attention,

but certainly too much attention—over to this file. They're doing the bread-and-butter work that we're demanding that they do.

That's all, Mr. Speaker.

The Chair (Mr. Lorenzo Berardinetti): Okay. I'm going to allow Dipika Damerla a few minutes to speak. I'm going through the Hansard, and she hasn't spoken. She was cut off last meeting. So go ahead and speak.

Ms. Dipika Damerla: Thank you, Chair. How much time do I have?

The Chair (Mr. Lorenzo Berardinetti): Up to how long? Twenty minutes, at the most, and then we'll take the vote.

Miss Monique Taylor: Point of order. Excuse me, sir.

The Chair (Mr. Lorenzo Berardinetti): Go ahead, Monique.

Miss Monique Taylor: Thank you. Has Dipika not spoken to this already? Were you referring to Ms. Hunter?

The Chair (Mr. Lorenzo Berardinetti): I think she started a little bit.

Miss Monique Taylor: You're allowed—

The Chair (Mr. Lorenzo Berardinetti): I'll ask a question: How long did you speak to this before?

Ms. Dipika Damerla: So, Chair, I have two questions for you, actually. When I sub in for somebody else, do I count, in the sense—

Interjection.

Ms. Dipika Damerla: This is just a procedural question, because I might sub in for Mr. Colle one day and for, say, Laura Albanese another day. I'm just trying to ask the question. I know that I spoke last time, but I don't believe I spoke the entire 20 minutes. Those were my two questions, but I'm happy to have Mitzie speak, if that works for everybody as well.

The Chair (Mr. Lorenzo Berardinetti): Monique.

Miss Monique Taylor: Ms. Damerla—sorry, I don't want to butcher your last name; that's why I usually call you Dipika—has spoken extensively to this amendment, extensively, Chair. You weren't here at that time; there was someone else in your position. There cannot be anything further that she would have to say that would be relevant to this amendment.

The Chair (Mr. Lorenzo Berardinetti): All right. Anyone else want to speak to—

Mr. Jeff Yurek: Chair?

The Chair (Mr. Lorenzo Berardinetti): Mr. Yurek.

Mr. Jeff Yurek: I'm just wondering if the government is going to filter through all 49 members to speak on this amendment or not. It's been over 60 days. The work should already be completed. They knew this amendment was going to pass one way or the other. It should be sitting at the MTO's office ready to be shipped over this way. They've had over 60 days. They know this amendment is going to pass, either the 30-day or 60-day. I know that they're bright people over there and would have been working ahead of time to have this ready, so let's just vote on this motion, get it passed and get the information to us as soon as possible.

The Chair (Mr. Lorenzo Berardinetti): Okay. I'm trying to be fair, not as a Liberal, but as a Chair. There have been times in the House where all members of the Conservative party have spoken to a bill that the government has introduced.

Mr. Marchese.

Mr. Rosario Marchese: I want to appeal to the Chair to play a very reasonable role. You can allow them to speak for 20 minutes each, if that's what you want, given that they've spoken in December and they've spoken again in this session. So you can allot the 20-minute time, or you can simply say, "I'm listening to their speeches," as we did with Mr. Colle, who said nothing about the amendment that speaks to my main motion.

The Chair (Mr. Lorenzo Berardinetti): No, I think he did.

Mr. Rosario Marchese: I mean, I appreciate the fact that he speaks about what Metrolinx does, which has nothing to do with the relevancy of the motion. There are certain staff that deal with these things. They have a statutory obligation to respond to committees; that's their duty. We have a job to do as well, and we're making a request that has nothing to do with how well the workers are working, how complex the issues are or how complex the relief line will be in terms of digging from Broadview all the way down below the water table—that's something that will come. This has nothing to do with the motion. The motion simply makes a request that, in my view, is utterly simple. They've had two months to deal with this, because committee members speak to their whip and their whip speaks to the minister. They let them know what these motions are, so they're already familiar with what the motion is. They probably have the request all ready to go.

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It is clear that the government doesn't want this to be dealt with, and so they are deliberately stalling. So my appeal to you is to listen to whatever remarks they're making to see how reasonable they are and how connected they are to the motion. We leave that to you.

The Chair (Mr. Lorenzo Berardinetti): Yes. I think Mr. Colle was on point because he did state the reasons why he wanted to extend it from 30 days to 60 days, and that's attached in the amendment. So I'm going to allow Ms. Hunter to speak, but there will be a 20-minute time limit.

Ms. Mitzie Hunter: Thank you, Chair. I believe that it is important that all members have the opportunity to speak to the bill. That is why we are here. We represent our constituents as it relates to the bills that are on the floor. Proper time for debate is important. Despite being at the last two meetings, I really have not had an opportunity to speak to the amendment on the floor—

The Chair (Mr. Lorenzo Berardinetti): Ms. Hunter, I'm just going to interrupt you for one second. As you speak, I think you should stick to the amendment.

Ms. Mitzie Hunter: Certainly, Chair. That's what my point is. It's that I have not had an opportunity, in any significant way, to speak to the amendment on the floor. I

think it's very important that we give all members the privilege of doing that.

Specific to the request—and it is a very simple request that has been made, moving the requirements from 30 days to 60 days so that the ministry and the team at Metrolinx have an opportunity to put the information together. But I also think that the proper definition of what this request is in terms of the documents—it is also important that we give that clarity in our direction and in our request so that the information that comes back to us is useful information and that it is applicable to the work of this committee.

We also know that we're asking them for searchability and for a format that perhaps will require some acquisition of software or in some way some further analysis, even seeking legal counsel in terms of the information that is assembled and disclosed to this committee. We have to ensure that we protect the integrity of the relationships that the organization or agency has all the way through. We are asking for information as it relates to market studies and to the work that is being done.

So I think that careful assessment of the legal requirements—seeking counsel is also important to be done. It is something where we want to ensure that there is due diligence. And as it relates to the length of time to be able to do that, Chair, 60 days is reasonable.

And you're right: We did put forward this amendment and it was a simple request. So why not move forward with that so that we can ensure that the information that comes back to us has usability, that it has the ability to be presented in a format that is helpful to the committee and to the work that we are doing here.

My colleague talked about the scope, the scale and the complexity of the work that this agency is doing on behalf of the ministry. That is very relevant. It is very complex, detailed and technical work. It is work that is important to all citizens in the region. So when we are asking the staff to take time away to put together and to assemble these documents, it has to be with purpose and with an intent to make improvements to the system, and I think that that is a very relevant part of the debate, of the consideration. It's also directly related to how much time we are seeking; 60 days is a reasonable amount of time—and also specific to the volume of information that we're asking for, for the agency to put together as well.

If we were to look back on recent weeks, I would not presume that staff have begun to put these files together. We haven't provided clarity in terms of the direction, in terms of the scope of the request. Also, there have been some incidents that they have had to deal with that are extraordinary; you know, the ice storm just happened. That directly affected the work of this agency. So I think that it's not reasonable for us to assume, "Well, you know, they've already started this work," particularly when the motion specifically asked for "once it is passed." So I would certainly not presume that that is being undertaken—and that we do adjust to allow for the 60 days, as was put on the floor. It's a reasonable amount of time. It allows for proper due diligence in the assembling of these documents; procurement of the software, if

necessary, so that it is searchable and useful to the committee; as well as ensuring that these documents are indeed able to provide the necessary information.

You know what? I think that we have to certainly learn from the lessons of the past and from our experiences on other committees. It's not just about providing volumes of information. It's about providing specific information that satisfies the request of the committee.

So, Chair, giving the proper amount of time, the proper definition, is also important in terms of the type of information that we want. This motion is absolutely reasonable, considering that we have had extraordinary incidents that have occurred. We cannot assume that staff have already started this, and we want to ensure that they have the ability.

And the ministry—there is business that is constantly under way. It's a large portfolio; there are a number of projects, multiple projects, happening in multiple regions. That's not something that has been defined here. So I think that that definition is also important as well, so that we get the information that we need.

This is the first substantial request that is coming out of our committee for this particular ministry area, and I think that, given that, it should be a reasonable one, and we should give the correct amount of time. And I think this amendment is quite clear that these documents can be produced within 60 days. It's very reasonable, assuming that the motion passes, ensuring that this is responsive, that it is provided in an electronic and searchable PDF format. We don't know if that software is available. We don't know how these records are currently kept. So I think that giving just a reasonable amount of time is something that we can do as a committee, and I think it would reflect well.

At the end of the day, we want the work of this committee to improve the processes, improve the outcomes of the investments that we're making in our communities. That's something that, certainly, everyone would expect of us. We're not just asking for information for information's sake. We're asking for information that will be utilized, that will give insights into the work of the agency, and that also helps, at the end of the day, with our recommendations for improvement to the processes.

I think it's also safe to say that we want to be able to review these materials, and we should be making our own commitments to doing so once we've asked the agency to put all of the time and all of the effort into compiling this information so that it is something that we're able to provide in terms of feedback on any report that, at the end of the day, we make.

The amendment—I would support that amendment, as my colleagues have said. I think it is very reasonable to ask for the 60 days and to be able to provide the proper scope of the requests and give clarity to the agency. Thirty days is an irresponsible timeline, and we need to make those reasonable adjustments.

So, Chair, that's certainly what I want to add to the record. I appreciate you giving me the time to speak to this. I don't know if my colleague has anything further to add, but that's what I wanted to say in the record.

The Chair (Mr. Lorenzo Berardinetti): I think there's been enough debate now on this amendment, so I'll call the vote right now.

Ms. Dipika Damerla: Chair, I'd like a 20-minute recess before the vote.

The Chair (Mr. Lorenzo Berardinetti): Okay. If you call a 10-minute recess, we're going to be at 10:25.

Miss Monique Taylor: Chair?

The Chair (Mr. Lorenzo Berardinetti): Yes, go ahead, Ms. Taylor.

Interjection.

Miss Monique Taylor: Okay, go ahead.

The Chair (Mr. Lorenzo Berardinetti): The Clerk has actually advised me. If she moves a recess that's 20

minutes long, the vote will take place first thing next meeting—I'm getting information from the Clerk, okay?

Miss Monique Taylor: Can I dispute the 20-minute request and allow it to—

The Chair (Mr. Lorenzo Berardinetti): It's automatic.

Interjection.

Miss Monique Taylor: Just asking for clarification.

The Chair (Mr. Lorenzo Berardinetti): You can talk to her later, but she's moved it. So—

Miss Monique Taylor: But I can dispute 20 minutes.

The Chair (Mr. Lorenzo Berardinetti): —this committee is adjourned until next meeting.

The committee adjourned at 1013.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 4 March 2014

Journal des débats (Hansard)

Mardi 4 mars 2014

Standing Committee on Government Agencies

Agency review: Metrolinx

Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux : Metrolinx



Chair: Lorenzo Berardinetti
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Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
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Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
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Publié par l'Assemblée législative de l'Ontario

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 4 March 2014

Mardi 4 mars 2014

The committee met at 0905 in committee room 1.

AGENCY REVIEW: METROLINX

The Chair (Mr. Lorenzo Berardinetti): Good morning, ladies and gentlemen. We're here in government agencies, and we'll call the meeting to order.

The first item of business is to vote on the motion that is currently on the floor. When the committee was adjourned last week, I put the question on the amendment by Mr. Bartolucci to the motion by Mr. Marchese, the text of the amendment being as follows:

"I move that the following sentence be struck from the main motion:

"That these documents be produced within 30 days of this motion passing, and that responsive documents be provided in an electronic, searchable PDF."

"And replaced with:

"That these documents be produced within 60 days of this motion passing, and that responsive documents be provided in an electronic, searchable PDF."

A 20-minute recess having been requested at 10:13, the committee adjourned until this morning. Without further debate, I will now take the vote on the amendment by Mr. Bartolucci.

All those in favour of the amendment? Opposed? Okay, that does not carry.

Just before we resume debate on the main motion, could I have agreement to quickly consider the one subcommittee report we have on the agenda, dated February 27, 2014? Would someone please like to move adoption of the report?

Miss Monique Taylor: Yes.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Monique. Anyone second—discussion?

Miss Monique Taylor: Sorry. I found it.

The Chair (Mr. Lorenzo Berardinetti): My apologies.

Miss Monique Taylor: I move adoption of the subcommittee report on intended appointments dated February 27, 2014.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Monique.

Ms. Dipika Damerla: Chair, could we just have a little bit of time to read the subcommittee report?

The Chair (Mr. Lorenzo Berardinetti): On intended appointments, I think we just vote either in favour or not to adopt the report.

Mr. Rosario Marchese: I think you should read it in full.

The Chair (Mr. Lorenzo Berardinetti): So just—all those in favour? Opposed? The motion is carried.

And before we resume debate on the main motion, could I also have agreement to deal with a number of extensions? There are currently five intended appointees selected by the committee whose deadlines or extensions expire before our next meeting. We would require unanimous consent of the committee to extend the deadlines so that we may interview these individuals who were selected at a later date. They are:

(1) Richard Patten, nominated as member, Ottawa Convention Centre Corp.

(2) Joe Vaccaro, nominated as member, Species at Risk Program Advisory Committee.

(3) Egya Sangmuah, nominated as member and vice-chair, Landlord and Tenant Board, Social Justice Tribunals Ontario.

(4) Jeff Kehoe, nominated as member and chair, Ontario Capital Growth Corp.

(5) Mary Anne McKellar, nominated as presiding officer, Pay Equity Hearings Tribunal.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Mr. Richard Patten, nominated as member, Ottawa Convention Centre Corp., to April 16, 2014?

Ms. Dipika Damerla: Chair, can we have a five-minute recess to consider this? You've asked for unanimous consent.

Interjections.

Ms. Dipika Damerla: Well, what?

Interjections.

The Chair (Mr. Lorenzo Berardinetti): It's just to extend the deadline. We're not going to get to it today, I don't think.

Ms. Mitzie Hunter: None of us were on the subcommittee—

Ms. Dipika Damerla: Yes, we just don't know. Some of the names that you have mentioned are not on my sheet, so we just need a five-minute recess.

The Chair (Mr. Lorenzo Berardinetti): It's just to extend the deadline, so I think you will have time to read that. I think, as Chair, that in the past experience of this

committee we do agree to extend always, so I'm going to rule that we do the vote now.

Mr. Frank Klees: Call the question. If it's not unanimous, it's on their back.

The Chair (Mr. Lorenzo Berardinetti): Yes. I'm going to rule that out of order.

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Do we have unanimous agreement to extend the deadline to consider the intended appointment of Richard Patten—I mean, Joe Vaccaro? Agreed? Okay.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Egysa Sangmuah, nominated as member and vice-chair, Landlord and Tenant Board, Social Justice Tribunals Ontario, also to April 16, 2014? Agreed? Thank you.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Jeff Kehoe, nominated as member and chair, Ontario Capital Growth Corp., to April 26, 2014? Agreed? Okay.

There's one more. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Mary Anne McKellar, nominated as presiding officer, Pay Equity Hearings Tribunal, to April 16, 2014? Is there agreement? Agreed? Thank you.

We'll now resume debate on the motion by Mr. Marchese. Further debate? Dipika.

Ms. Dipika Damerla: Chair, I have an amendment to the main motion that I'd like to move.

The Chair (Mr. Lorenzo Berardinetti): You have an amendment that you would like to move to the main motion.

Ms. Dipika Damerla: I move that the main motion be amended to define market studies as “a study that gathers and evaluates the data regarding consumer preference of the service in question. Market studies do not include public consultations or submissions around routes or any considerations of specific projections around fare structure.”

The Chair (Mr. Lorenzo Berardinetti): Right. Do you have a copy you can provide to the Clerk, myself and members of the committee?

Ms. Dipika Damerla: I can give this to the Clerk. If the Clerk could make copies.

The Chair (Mr. Lorenzo Berardinetti): Is this the amendment here?

Ms. Dipika Damerla: Yes.

The Chair (Mr. Lorenzo Berardinetti): Okay. Thank you.

Is there any debate on this? Dipika.

Ms. Dipika Damerla: Thank you, Chair. As we can see, what we're really doing is we are trying to narrow—not narrow, but define exactly what “market studies” means to the original—

Miss Monique Taylor: “Narrow” is a good word.

Ms. Dipika Damerla: Well, the scope, yes. Actually, I have no problem saying that, to scope it out, because to just say “market studies” leaves it so wide open that it would be very difficult for officials to decide what pertains and what doesn't pertain. It's always good to

know what one is looking for, to define what one is looking for. If you're not happy with that definition, that's what we're here for: to talk about it. As MPP Klees was suggesting, we need a conversation to define “market study.” Bring it on. I'm happy to have that conversation, and we can talk about it for some time. But what we are suggesting—I think it's a pretty robust definition, a very fair definition.

The intent, quite simply, is, I think we want to be helpful to the committee. Just the term “market study” can be incredibly vague and very difficult to define. If we do not tell our officials exactly what we want, we cannot expect them to give us what we are looking for. Defining this word and telling Metrolinx what we exactly mean will allow them to properly search for the documents and provide them by the deadline. This is particularly pertinent given that we had wanted to extend the deadline from 30 days to 60 days. Given that that motion was struck down, and officials have only 30 days to provide this information, I think it behooves us to ensure that we are quite clear in asking for exactly what we want.

I have to say that I've been serving on another committee, and I was shocked when I heard that the way the original request had been defined would result in a million documents showing up. The question to the committee was, “Would you want the Ministry of Health to be dumping a million documents?” It serves nobody's purpose, and the reason we were in that state was because many, many attempts by the government side to scope down the relevance or what was being asked were blocked. We went with the original motion, and here we are in a situation where there's a potential for a million documents to be presented to committee. We do not want to be in that situation with Metrolinx.

I don't know how many of you drove yesterday; maybe MPP Holyday did. Coming eastbound along the Gardiner in the morning was just impossible. For somebody like me coming in from Mississauga, I left my house around 9:15, and I did not get here till 11:15—two hours on the Gardiner Expressway. That's just the sort of thing that reminds you of the important work that is ahead of us here in the GTA in terms of building not just public transit but everything to do with transportation, whether it's our highways, our roads, our subways or our GO trains.

This is important work that Metrolinx ought to be doing, and anything we can do to ensure that they have their eye on the ball, and they're actually working towards building something as opposed to just doing paperwork and just bringing up and doing searches that may be redundant—I think yesterday's example is a timely reminder of what an important issue building infrastructure in Ontario is and the important role that Metrolinx can and will play if we allow them to play it, as opposed to spending their time trying to figure out what exactly the committee means by the word “market study.”

So I'm just giving a little bit of that background, just to underscore why the amendment that I have proposed is

so important, because I don't want it to get caught in the idea, well, why is the government side proposing—or that it's opposed just because one side is proposing it. I'm hoping that we can actually come together and have a real agreement that, perhaps, there is some merit to defining very clearly what it is that MPP Marchese is looking for in the original motion.

One of the things that we know is that market studies can sometimes refer to economic or social or a number of other factors. Are we looking for a market study that looks at a social component? Are we looking at an economic driver? What my amendment does is, it says very, very clearly that it is “a study that gathers and evaluates the data regarding consumer preference of the service in question,” because that is the whole intent of the original motion: to get some sense of what the consumer preference is, going forward, on this air-rail link. The definition goes on to very clearly preclude some things by saying it does “not include public consultations or submissions around routes or any considerations of specific projections around fare structure,” because we don't want the original motion to be bogged down by distracting factors which would not only take up the time of Metrolinx officials but would also make it difficult for us here at committee to sift through those documents.

0920

One of the things that I have to ask myself is, I'm sitting on another committee where, honestly, there have been—I forget the number, but I did very quick math. The math that I came up with is that the amount of documents that the committee had asked for would require somebody, if they wanted to actually go through all of the documents—my last calculation was every single day, including Saturday and Sunday, eight hours a day, that's all you do, and you'd still need nine months to get through all of that. And that is just one committee; there are a number of committees running.

As a relatively new MPP, I have really learned through the committee process that sometimes we can just ask for all this information, which is wonderful, but how many of us at the end of the day will actually read through all of those reports? I can only hope, given all of this background, that all of you will concur and agree.

I'm open to any suggestions if you think that rewording my amendment a little bit might make it more robust; I'm absolutely open to that idea. This is one suggestion, one way of making the request more relevant, making it easier not just for officials but I think making it easier for us here in committee to do our work. I've always believed in the idea of asking for something. If it's not enough, then ask for some more rather than asking for who knows what—I'm not entirely sure what we're asking, but just asking for everything in the hope that, once it's there, we'll find something. I think there's a word for it. I forget, but I think it's called—help me with that. You know when you're just looking for something in the dark? What's the word—fishing, going fishing. That looks a bit like fishing. You ask for all the documentation that is possible, and then you start looking at

it, and you hope you find something. That is not an efficient use of taxpayer dollars at all. That is not an efficient use of our officials' time.

Before I got elected as a member of provincial Parliament, I worked in a minister's office. I worked very closely with officials, and I know this much: The Ontario public service has some outstanding, very, very hard-working officials with a lot of merit. We really need to be very respectful of their time and their talents as we go about our committee work. I have the utmost respect for them.

In my time working in the minister's office, I was very, very careful about the information I asked them for to ensure that there wasn't any duplication, that I wasn't asking for information that I already had, because I was very mindful that they do some very important, very productive work. Every time we ask for all of this, they don't stop doing their everyday 9-to-5 jobs; they're not going to stop working, hopefully, on adding more trains on the Milton line. All of that continues, and this is extra that we ask of them. It is not like Metrolinx has an entire department sitting and waiting for committee officials and saying, “Okay, what requests do they have today?” Once this request goes forward, they would be doing their 9 to 5, trying to do everything that they would always do plus, on top of that, this.

Keeping that in mind as well, I think there's a very strong case for first asking something, and if at the end of that the committee feels that that was not enough, we can always build on that. But to just ask for very vague market studies—I wish it had originally been scoped out properly, because had it been more scoped out originally, we wouldn't be spending the time right now, here in committee, having a conversation and trying to figure out how we can make this motion more robust.

But what's done is done. There's always room for improvement. So at this point, I think we can certainly work towards trying to make the original motion better. I think that is part of working collaboratively as a group: something comes forward, and how can we, together—as they say, two heads are better than one. And surely—one, two, three, four, five, six, seven and, including the Chair, eight—eight heads would be better than one. I really, really look forward to hearing everybody else's thoughts on the motion that I have put forward. As I've already said, I'm more than happy to entertain any amendments to my amendment. If that makes it better, I would be more than pleased.

I wish MPP Marchese was here, because it is his motion, and I would be very interested to hear his feedback at some point on some of the changes that we are suggesting.

I do want to link this back to the very important work that Metrolinx does. One of the things that Metrolinx was originally created to do was to ensure that we have one seamless transit plan for all of Ontario. One of my pet concerns for my constituents—I have a riding that actually abuts the city of Toronto. What my constituents often have to do is they get off a bus, because MiWay

Transit, which is Mississauga Transit, ends in Mississauga. Then they have to get on a bus. They have to walk exactly three metres to another bus stop, which happens to be the TTC bus stop and get on that bus to get to Toronto. All you're doing is transferring from one city's bus transit to another, but then you have to pay the fare two times.

As you can imagine, if you lived at the eastern edge of Mississauga, you'd think going into Toronto should be easy. Well, it isn't because there is no bus that goes directly. They force you to get off the MiWay bus and get on the city of Toronto bus. The whole purpose of Metrolinx is to take those anomalies away. That sort of thing was okay 50 years ago when Mississauga was a city of its own and Toronto was a city of its own. But now that we are seamless—if I get on the GO, nobody's saying to me that the border of Mississauga is done and now you're going into Toronto. But for the bus service, we don't have that seamless thing. It's one of the things that I'm working on. In fact, it's something that maybe MPP Holyday would be interested in working on with me, with Metrolinx, to see if he can get this sort of seamless thing going so that somebody who lives in the east end of Mississauga doesn't have to buy two tickets and—

Mr. Frank Klees: Chair?

The Chair (Mr. Lorenzo Berardinetti): Hold, please. Mr. Klees?

Mr. Frank Klees: Chair, with all due respect, is there not some sense of understanding at this committee that when a motion is put forward for discussion that we actually speak to that amendment? The member—we know what she's doing. She's ragging the puck here. She wants to waste our time. I would say, we've heard her explanation. She's now far beyond explaining her reason for bringing the amendment forward. I would say, we've heard her; I would like to see the question called so that we can express our opinion on it.

The Chair (Mr. Lorenzo Berardinetti): All right. As Chair, and I've been consulting with the Clerk and with the standing orders, I have to be—and I'm being totally unbiased here—convinced that there has been enough debate on the issue itself. And so I'm going to let her speak. If nobody else speaks, then we'll vote on her motion. If there's someone else who wants to speak to it, I'm going to allow them to speak to it at least one time, and that'll be it.

I'm basically following the rules that are followed in the Legislative Assembly. We've seen it happen in there, and when I first got elected in 2003, it happened with the NDP. Everyone spoke to a lot of the bills there. We've seen it this term with some of the bills that have been put forward—or some of the government bills, I should say, that have been put forward, that have been very straightforward, in my opinion; for example, the seniors' tax credit, and a lot of members did speak to it.

So I think we'll let her speak one time, and it's a 20-minute time limit we have—we are watching the clock here. Then, if nobody else wants to speak to it, we'll vote. But at some time, I'm going to say there has been

sufficient debate on the motion and we're going to vote. I'm trying to be—

Mr. Frank Klees: Fair enough. I was just trying to help the honourable member. She's made her point very well, but if she wants to carry on, of course, she has the right to do so.

The Chair (Mr. Lorenzo Berardinetti): Okay.

Ms. Dipika Damerla: Thank you, Chair. Could I just get a sense of how much time I have left to speak?

Mr. Rosario Marchese: I couldn't hear you. What was that?

Ms. Dipika Damerla: I just needed to know how much time I have left to speak. I have a few more points to make.

The Chair (Mr. Lorenzo Berardinetti): About eight minutes.

Ms. Dipika Damerla: Eight minutes. Thank you, Chair.

Mr. Rosario Marchese: You take your time, Dipika. Don't you be bothered by the opposition.

Ms. Dipika Damerla: Thank you so much, MPP Marchese. That's very, very kind of you.

There was a reason, MPP Klees, that I was illustrating—I wouldn't say the anomaly but what needs to be fixed—a simple example of why we need an agency like Metrolinx. In my opinion, my constituency gives a stark example of what was okay 40 years ago, which was to have the TTC in isolation to the Mississauga Transit. But in today's world, where there is actually no official line that demarcates my riding from the Toronto riding, because all it is is the Etobicoke Creek. The roads, the streets, are seamless. One side of the street is my riding; the other side of the street is somebody else's riding in the city of Toronto, and we've just crossed municipal jurisdictions.

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We need an agency that recognizes that now, in the GTA, whether you're the city of Mississauga, whether you're the city of Vaughan or whether you're the city of Markham, there is no buffer; we are all living together. Our transit systems need to recognize that and make it seamless. That is one of the reasons Metrolinx was created: to ensure that municipalities don't protect their own turf at the cost of one seamless, workable, efficient transit system.

It is this work that impresses me so much about Metrolinx. That is why it is so important for this committee here to work well with Metrolinx and ensure that what we are asking of them is reasonable and ensure that our requests make sense to this very important agency.

I'm glad that MPP Marchese is back, because I'm not sure if MPP Marchese had a chance to listen to some of my earlier comments as to why I think it is important that I amend his motion. Now that he's back here, it's unfortunate, but I'm going to have to reiterate some of the things that I've already said for the benefit of this committee because the main person who actually wrote the original motion unfortunately was missing during a portion of the time during which I explained why it is so

very important that we scope out the definition of “market study”—MPP Marchese, just because you’re such a good friend. You’ve been a great mentor, even though you’re across the aisle. You’ve always been there with great advice for me, especially on the condo stuff. Keeping all of that in mind, I’m happy, absolutely, to restate once again a few of the reasons, for your benefit, as to why the government side is proposing a few—one, actually; one amendment to your original motion.

As you may recall, your original motion makes a reference to market studies between January 1, 2010, and December 3, 2013. Any reasonable person is going to ask, “Well, what exactly does ‘market study’ mean?” I’m just trying to think: I’m a junior official at Metrolinx; my boss has called me in and said, “The committee has this request for us. They’re asking that we provide them with market studies that have been conducted by Metrolinx and the Ministry of Transportation between January 1, 2010, and December 3, 2013.” I can only imagine the conversation that would ensue once the boss talks to his junior associate at Metrolinx and says, “Could you find all relevant documents?” At this point, if I was the junior person, I would say, “Well, sir”—or whatever his or her name is—“what exactly is the definition of ‘market studies’ here? How do I know which reports to include or which reports not to include?” That’s where the rubber hits the road.

It’s easy for us to say, “Go get every market study that was ever done between January 1, 2010, and December 3, 2013.” But if we just pull back and ask ourselves, if I was that official at Metrolinx who has been charged with going through all the electronic records and all the physical hard-copy records to find all the market studies, you’re going to be looking at a pile of reports and ask, “Is this a market study or not?” That’s the practical reality that this motion rubs up against or comes up against: How do you define a market study? What about that study from three years ago where we looked at consumer preferences? What about the one where we talked about whether we should make this more accessible or not? Are all of those market studies to be included?

At that point, the senior person at Metrolinx would say, “I have no idea, so let’s do one thing: Let’s just gather up every last report that we have.” Lo and behold, they have to do this in 30 days, so they probably have to dedicate not one but maybe two or three people to this task, which means quite surely, unless they’re working overtime, that something else is not getting done. So they collect all of these market reports, whether they have any relevance or not to the work at hand. The next thing you know, they’re dumped here, and then you and I are going to be looking at all of these market reports to figure out what’s pertinent and what’s not pertinent.

MPP Marchese, I hope you can appreciate where I’m coming from, and I hope that this live illustration that I tried to put before you of the conversation that would take place within Metrolinx if the motion was to pass as is—I think once we think this through and drill down somewhat as to the practical implications of the way this

motion is worded, I can only hope that all sides would agree that defining exactly what the market studies should mean, given the overall context of what is being asked and the overall context of what this committee is trying to study—I think it would make sense.

MPP Marchese, I don’t think you were here when I originally also said that I’m happy to entertain an amendment to the amendment. If you don’t like the way we have phrased this, perhaps we can work together and wordsmith this to make the amendment to your original motion more robust.

I want to take us all back one more time to what we are trying to accomplish here: I believe that what we’re trying to accomplish in the big picture—I think all of us—is figure out a way that we can build more transit here in the GTA. I think that is the 10,000-foot view. I think, at the end of the day, that is what this committee wants, to ensure that Metrolinx goes ahead and continues to hit its goalposts and continues to build on the transit projects.

I can speak, for example, for my own constituency. One of the things that we would definitely like to see is enhanced GO service on the Milton line. It’s something that I’m working very closely with Metrolinx on. I have learned more about signalling and track capacity and congestion and exactly how trains are scheduled than I would ever have imagined before I got elected. It’s been a fascinating journey—pardon the pun—to actually learn about what goes into trying to put more trains on a particular line.

That’s the sort of constructive thing that I think we all ought to be working with Metrolinx on. If I was to have an opportunity to talk to senior brass at Metrolinx, my first priority would be, how could I get more GO buses into Mississauga? How can I get more GO trains onto the Milton line? How can I get a connection to the airport? Those are the sorts of things—one of the things that surprises me is that the airport is in Mississauga. Although I know it’s on the border, our mayor insists that it’s in Mississauga, and I think that the vast majority of that airport is in Mississauga—

The Chair (Mr. Lorenzo Berardinetti): I’m going to interrupt you right here. It’s about 19 minutes in, so you’ve got about a few minute to wrap up—

Ms. Dipika Damerla: Okay. I’m going to wrap up. Anyway, the point that I was trying to make with that was that even though the airport is in my city, we don’t have a link to the airport, a direct public transit link. I have to take a cab every time I have to go on committee business. So it would be nice to have Metrolinx work more on building things and less on building paper and creating paper files for all of us here.

With that in mind, with that big picture in mind, I submit to the committee the rationale for these amendments. I look forward to hearing everybody else’s views, and I believe my colleagues here may have something else to add.

Thank you so much, Chair, for your indulgence.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any further discussion?

Ms. Taylor.

Miss Monique Taylor: I would like to move to call the question, please, Chair.

The Chair (Mr. Lorenzo Berardinetti): Okay. I'm going to allow everyone to have at least one time to talk on this issue, and that's it. If nobody wants to talk to the issue—there are two more members here. If they want to speak to it, I'll give them 20 minutes and that's it, and then we'll move to the—

Mr. Rosario Marchese: Just a quick comment, Mr. Chair.

The Chair (Mr. Lorenzo Berardinetti): Mr. Marchese.

Mr. Rosario Marchese: Just to allow the other two members something to think about as they take their 20 minutes to speak to this motion.

I'm happy that Ms. Damerla had the opportunity to repeat her arguments, because I'm sure the Conservative members and the others, while they were sitting here, needed to have a repeat of what she said, because it was illuminating for you—wasn't it?—that she repeated the stuff, because it was new stuff that I didn't hear or that you hadn't heard.

Mr. Frank Klees: Yes.

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Mr. Rosario Marchese: So it was useful for her to repeat the nonsense that she repeated.

Second, I'm so happy that we have the intellectual Liberal caucus talk about how complicated this motion is and that it requires a number of PhDs on the Liberal benches to interpret this motion correctly because it's complicated. I am persuaded by the general public intelligence to understand the motion, and the motion, for the general public, is quite simple. It says, "That they produce all documents and correspondence related to any market studies conducted between January 2010 and 2013 related to ridership projections for the air-rail link." In my mind, and in the mind of many, this is a very simple motion.

I know that the bright lights on the Liberal caucus are having a difficult time with this, but all I can say to her and the other members: It's the most embarrassing thing that I have witnessed in a long, long time. They ought to know as this information goes out that it embarrasses them. It's clear they don't want their government to deal with a very simple motion. It's clear that what the Auditor General said about this air-link and the possible cost may be indeed true, that the government may have to subsidize it, and so they're afraid about this information coming out. This is absolutely the issue, and that's what they're afraid of.

I am embarrassed by the three members who have delayed this motion since we dealt with it in early December. The fact that they've had three months to deal with this and the fact that they're debating, hoping not to have this dealt with and hoping that there's going to be

an election so this doesn't get dealt with, is embarrassing to the utmost.

Please take your 20 minutes to do your speeches.

Ms. Dipika Damerla: Chair, I would just like to register an objection. I do take great offence by anybody suggesting that what I spoke was nonsense. I just don't think that's parliamentary, and I think it's insulting. We all have to work here together. Perhaps not everybody is as intelligent as MPP Marchese, but I found the entire tone of his comments very offensive. Any embarrassment is entirely yours, MPP Marchese, the tone and all of that. We're all here to do our work to the best of our abilities without being judged.

The Chair (Mr. Lorenzo Berardinetti): Okay. Point well taken. Any further debate?

Mr. Mike Colle: Again, as we have to repeat, whether it's in committee or in the House, we have the right to speak. It's kind of rich for the NDP or the Conservatives—I think they stated they agree that we should have the right to speak—because we've seen hours and hours and days and days of questions and discussions on motions that have been going through the House and in committee for weeks at a time. So for them to stand up and say, "Well, you can't do what we did," is kind of rich.

We have the right to do it. You may not agree with our right to do it, but we have the right to speak on the motion, and 20 minutes is what we have, by procedural bylaw, that right. We could have been casting personal attacks on people in the House every time they stood up to say, "Well, that's nonsense"—yes, because it's the other party. But we have the right to speak to these motions. It's as simple as that.

I've sat here through hours and hours of things, whether in opposition or in government. That's our right. So I just find it offensive to basically call the member's intervention on a motion—you may not agree with it, but to call it in a disparaging tone is not really appropriate, I think. I just want to put that on the record.

Who is to judge what is intelligent and what is understandable? Certainly being around this place, we realize that there are many things that seem to be intelligent that aren't intelligent on a daily basis, so I just don't want to judge intelligence around Queen's Park. It's a very, very difficult task.

In that context, I just want to put some things on the record about this motion. As you know, it's about a very complex situation, as I mentioned the other day, and that is, as we speak, there's some of the most comprehensive infrastructure constructions taking place in the GTA, and a lot of it is being spearheaded by Metrolinx, our provincial agency. They are charged with unprecedented projects and demands on their time and attention. That was why we originally said, "Give them 60 days and the motion can go," but even a refusal at that time to go from 30 to 60—the information would have been out there; instead, you object to the 60 days. Well, now you've got your 30 days, and we're just saying to look at what

you're asking for, to make sure the definition is clear of what you mean by "market studies."

What is a market study? Is it a look at the impact and the reaction and the response by people living in the old town of Weston as relates to the air-rail link and the local BIAs there, the residents and the BIAs and what their uptake will be on the potential ridership etc.? Do you want all the background information undertaken by all the examinations of the impact this would have on Weston? Because there was a very complex situation there where there used to be a net grade crossing, and they have now had to go with a tunnelling alternative. So it's been a very, very difficult transition in that determination of putting some tunnelling in the old town of Weston that the local residents and the local small businesses wanted. Is that part of the market study? I don't know.

Or let's look at Mount Dennis. There's another very complex series of situations that occurred in terms of the air-rail link because of the impact this had on the Kodak lands, it had on the need for a station or the extension of the Eglinton Crosstown to Mount Dennis, and should it interface with the air-rail link? Metrolinx has been dealing with all these complex related issues demanded by the public, and they have tried their best to satisfy the public in this regard. There have been all kinds of public meetings, consultations, studies done. Is that what this motion calls for? Do you want all the Mount Dennis information related to the Kodak lands etc. included in this motion?

What about the Union Station point? As we've said before, Union Station is one of the most challenging engineering and construction projects ever undertaken in Canada. If you go down there and see the challenges they've had with the flooding, and they've had to rebuild Union Station into a 21st-century transportation hub while service is still in place—it's an incredible demand on Metrolinx. It's an incredible demand on the construction engineers that are there. If you go down to Union Station, you get an idea of how difficult this is. The trains are still coming in. The CN trains come in every day, all day. The GO trains are in and out of there. The subway is loading and unloading hundreds of thousands of people 24/7.

Metrolinx is asked, "Well, you're supposed to make sure that the air-rail link is cohesive with this work, and don't delay people's arrival times to and from Union Station while you're doing this massive reconstruction of Union Station." I just invite the members to go down to Union Station and take a look and see what's transpiring.

Miss Monique Taylor: Chair?

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor?

Miss Monique Taylor: Can you please ask the member to stick to the amendment?

The Chair (Mr. Lorenzo Berardinetti): Yes. I'm going to rule that he's speaking to the issue.

Mr. Mike Colle: As I will repeat again, we're asking Metrolinx to come up with this wide-ranging information-

gathering on market studies. I say that Metrolinx is a little bit involved in massive construction projects like the air-rail link that they are doing as we speak, and I'm saying, just give them a bit of focus: "Here's what we want. Here's what we mean by market studies."

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So there is a connection because, believe it or not, there are people working 24/7 in construction and delivering GO service and delivering subway service at Union Station, at the interchange of those air-rail links. So that's the connection. And if you can't see that and you think that there's some kind of group of people just sitting around an office, there are people—

Mr. Rosario Marchese: Chair, on a brief point of order to the members.

The Chair (Mr. Lorenzo Berardinetti): Yes, Mr. Marchese?

Mr. Rosario Marchese: The connection that he makes is incorrect. There is no link between his arguments and what we are talking about. What we are talking about is market studies related to ridership. That is the issue. He's not speaking to any of that. Market studies connected to ridership: That's the issue.

The Chair (Mr. Lorenzo Berardinetti): Mr. Colle, can you please—

Mr. Mike Colle: That's why I said, do you want the market studies done in Weston? Do you want them done in Mount Dennis? Do you want them done to Union Station? I said, "What market studies do you want?" Because these are the main stations. So you have to determine what studies related to ridership you want, because that's where the riders come from. They come from Union Station.

If I could just finish, the other thing is that at the same time, Metrolinx is deeply involved, taking the lead on building the air-rail link—which has been demanded because of the fact that we are the only major city in the civilized world without rapid transit to our major airport. We're asking them to deliver that, and as they're delivering it, just keep in mind that we need to encourage them to basically get this done on time. What are their priorities? Their priorities should be getting that rail link operating. And if you're going to ask them for additional stuff, at least focus it so that they can get on with their real job, which is providing that air-rail link from the airport to Union Station.

On top of that, we're also, just off the top of our heads, saying, "Oh, by the way, build the Eglinton Crosstown while you're at it, Metrolinx," which they're doing. The largest transit project in Canada's history is being built by Metrolinx, connecting Black Creek—an Eglinton Crosstown all the way to Scarborough. That's been done by Metrolinx. "Oh, well, you don't have enough to do, so here, go on this undefinable search here," which could easily be accommodated by just defining what you mean, so they can get it done and give it to us. But instead, there's no appreciation.

I came down on the subway this morning, walking along Eglinton, and if you go along Eglinton, you can see

the massive construction that is being done on Eglinton to the Allen; it's unprecedented, what it's doing to traffic, the construction material that's going on. And then the construction people tell me, "I wish they had not poured in the concrete cement at Eglinton West when they cancelled the Eglinton subway. We could have had this done in 1995 for one tenth the cost, but they poured concrete"—they wouldn't mothball the Eglinton subway at that time, and the Eglinton subway would have gone to the airport. We would have had a line to the airport for \$800 million. Anyways, that's a bit of a side issue.

But this is the complexity that Metrolinx is dealing with on a daily basis, so just be a bit cognizant of the complexity that we have given them as a government, as a Legislature, to just define what you mean. We asked you to give them 60 days; you refused to give them 60 days. You said, "No, no, no." And now, all of a sudden, we're saying, "Well, at least define what you mean by 'market studies.'" What is included in it? What is a market study? Market what? Shopping patterns? Modal splits? How it's going to change the modal splits? Modal splits where? Along Eglinton, along the Union Station GO route?

It's very wide-ranging. All we're saying is, give it a bit of focus; define the term "market study." As my friend from Mississauga said, define the term and then this would be a heck of a lot easier. Instead, you're refusing to define the term. You just throw it out there as "a market study." That's basically what we're trying to put on the record.

The Chair (Mr. Lorenzo Berardinetti): Mr. Marchese.

Mr. Rosario Marchese: Just to give the next speaker something to think about: It is fascinating, if we had agreed to 60 days, the Liberals would have understood the motion, been happy with the motion and supported the motion. Because we stuck to the idea of 30 days, and almost three months have passed since, the fine Liberal members on this bench here are flummoxed by the motion, contorted like pretzels on this motion, utterly confused by the motion and don't know quite what to do with the motion. I just thought I would help them for their next 20 minutes.

The Chair (Mr. Lorenzo Berardinetti): Yes. Just before we do—and there's time here—can I get any agreement on whether to put any intended appointees on the next committee agenda, which is March 18, two weeks from today? Any agreement that we can put some people on the agenda?

Mr. Jim McDonell: Could we wait to see if the motion passes?

The Chair (Mr. Lorenzo Berardinetti): All right. We'll do it—

Ms. Mitzie Hunter: Mr. Chair, I think it would be a good idea to ensure that we manage the regular business of this committee.

The Chair (Mr. Lorenzo Berardinetti): Okay. Let's do that. After the next speaker, I'll ask the question again.

Any further debate? Ms. Hunter?

Ms. Mitzie Hunter: Yes. Thank you, Mr. Chair. I want to join my colleagues in asserting the opportunity for all members to speak to the amendments on the floor and to have the ability to do that. It's something that, in the House, members from all sides have had their right to speak, and we're all here to represent our communities and to ensure that we do our best.

In terms of the amendment that's on the floor, we had proposed the first amendment, which is to move from 30 to 60 days to give the agency an opportunity to gather the required information with the required software and legal research that they would need. That amendment did not pass.

My colleague Ms. Damerla has submitted a further amendment that would seek to define the scope of what we mean by "market research," so that the agency will have specific information in terms of what we're looking for as a committee and that that information is going to be useful for the consideration of this committee.

The air-rail link and the work that is under way is a very important step forward in the transportation network in the greater Toronto and Hamilton area. It's the first of its kind in North America. It's providing a dedicated route for travellers who are coming to one of North America's major international hubs, visiting the GTHA for all kinds of reasons, whether it's personal reasons to connect with family and friends or for commercial reasons to connect with business.

So this hub is one that we know is a major contributor to our region's economy and we want to ensure that this project opens this year. We know that next year we will be hosting the Pan/Parapan Am Games here in the greater Toronto and Hamilton area. We know that we need to have this major project completed. It's in fact an opportunity to welcome the world and to welcome all of the athletes and visitors who will be coming and utilizing the air-rail link.

The timeliness of this project is very important because these major events and major initiatives are an opportunity for us to promote the services that we have here and all of the good things that we have to offer here. So the focus that we have on the completion of this project has to be rigorous, it has to be intense, and ultimately, I think we can agree that we want it to succeed and that we want it to be a major, major accomplishment.

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We are a global city. We talk about that. We talk about being a world-class city. Well, most major cities have a link from their airport to their downtown, and we are now on the cusp of getting that done, and we want to ensure that this first of its kind in North America is done right. So I believe that the amendment to the motion on the table that seeks to clarify the scope of what we mean by "market studies," which is quite broad, has specified it in terms of a study that will gather and evaluate the data regarding consumer preferences of the services of the air-rail link. That's really, at the end of the day, what it is that we want to find out, what it is that we need in terms

of our appropriate assessment of the agency and its work, and it can certainly inform and make productive the work of this committee to have that information in a much more defined manner.

We know that the investments that we're making in these new transit and transportation corridors are important contributors. We know that this air-rail link alone will take 1.2 million car trips off the roads, because people will now have a predictable, dedicated way to get from the downtown Union Station all the way to the airport, regardless of weather, what's happening along the routes.

The agency, at the beginning of this committee, provided each member of the committee with a very detailed briefing on their projects, on their initiatives, and that's one of the things that we have to consider: the scope and the breadth of all of the initiatives that are under way at this time. The air-rail link is set to open in 2014, and we've heard about that. I've certainly seen public updates on that, and we know that the investment in this project will definitely ease congestion, give people an alternate route, a reliable, dedicated route of getting from Union Station out to the airport. As my colleague Mike Colle says, it also provides a key piece to the network, the network that we're building in the GTHA to strengthen our transit routes and to strengthen our transportation routes.

What my colleague has put on the floor is absolutely reasonable in terms of defining the wording, telling the agency precisely what we mean, allowing them to do the proper research and compilation of the documents within the time that we've given. Market studies can be defined very, very broadly. They can be economic, they can be social, they can be cultural—I mean, there are so many different ways of defining it, and being specific really allows this committee to eliminate that vagueness and to produce the right information that we need to do our work.

These studies tell us what the riders need in Toronto, what specifically the value is, the benefit and in terms of the expected use of the new extension, the air-rail link, the UP Express, the Union Pearson Express route. This is a route that will be dedicated for travellers. I think that that's a key aspect of this, that it is all about providing the hub that we have—and gateway, in fact—at Pearson and linking that to the hub that we have for all rail corridors that come through Union Station. Bridging those two things is a major milestone for us here in Ontario, in this region. It's the first of its kind in North America. We know that Pearson is one of the major air-rail gateways, really, in North America. We can see, when we look at the travel patterns globally, that so many flights come in to this region. With the introduction of this air-rail link, it's actually making travel more predictable and easier for those travellers, whether they're coming here on business or to visit friends and family.

One thing we know is that every traveller invests in Ontario's economy. We know that. So we should be supporting the advancement of this project and the advancement of this network being developed in this

region so that we can realize our full potential in terms of the economic impacts—

The Chair (Mr. Lorenzo Berardinetti): I'm just going to interrupt. I've been listening very carefully to what you said. I would just ask you to address the motion that was brought forward—

Ms. Mitzie Hunter: Certainly, Chair. The motion that Ms. Damerla has put on the floor is really looking to define the scope and definition of market studies. It's simply an attempt—we had talked, you know, quite at length about the need to give the agency the appropriate length of time. That was something that was not supported by the other members, even though it was a reasonable request—to move from a 30-day request of the agency to 60. As a result, we're now looking at how do we look at the market studies component, which is very broad, very general and very vague, and make it much more specific to the information that we require and to what it is that we're requesting.

So, as the amendment says, the study will allow the agency to gather the information and data about consumer preferences of the services in question. Those services that I was talking about are really the value to travellers. At the end of the day, the people who are going to be benefitting from this service are people who are going to be in need of that service. So I do think that that consideration is important. It's important that we talk about the timing of this project and how these studies, at the end of the day, will benefit the people of Toronto, of the Toronto region and of the entire GTHA region and in fact the whole economy in the region, because we know that airport travel is a very important component of our region's economy.

So this is certainly a reasonable motion that is on the floor. We want to ensure that when we ask our agencies for information, that we're not just getting information for information's sake, but that it's specific to our evaluation here as members of this committee, and that the documents and correspondence searches, which we know that inevitably they will have to do at the request of the committee, are productive and that it's a productive use of our agency's time.

I completely agree with MPP Colle in terms of recognizing the other projects that are under way and the complexity of the environment in which this agency is operating. They are delivering on a number of projects, really, in all regions in the GTHA right now. Recently, I was speaking to my colleague and we were talking about the improvements being made on Highway 7 and the dedicated bus rapid-transit routes and how those routes are really improving the accessibility of those regions. They are all part of an integrated system. We can't really speak about these types of improvements without looking at their impacts on the system as a whole.

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Specifically, the air-rail link is a key corridor in the whole network. It's something that will open up travel in terms of the speed at which people get from our downtown to the airport. My colleague talked about Weston as

a key part of this. It will become a major transit hub as well. What about the market studies there? How will it impact those neighbourhoods and those communities and businesses?

So the definition and the specificity that this amendment is asking for is really intended to keep us on track as we do our own evaluations, and as we look at: What is really the question here?

At the end of the day, we want to see this agency perform at its best. We want to see projects delivered in a responsible manner, and ultimately, we want to take cars off the road. We want to create a more efficient transit system and transit network that's seamless, that's integrated and that's efficient.

So I don't support at all asking for a broad, unstructured definition of market studies as it relates to the air-rail link. I believe that we need to be as specific as possible. The amendment on the floor is an attempt to do that. If there are ways that we can improve that, make it much more defined so that the agency can really gather and put together this information in as useful a way as possible for the benefit of this committee—and answer the important questions that our members are asking—I think that that's something that I would certainly support and believe that it is the best use of the time of our agency and its staff.

A comment that was made earlier is that they've had all of these months. Well, without the committee making this request and being very specific about the request, I believe that the agency is going on with its regular business, which is delivering everyday service on GO. We know that hundreds of thousands of people use that service. We're seeing improvements with the two-way all-day GO service on the Lakeshore line—

Mr. Mike Colle: Thirty minutes.

Ms. Mitzi Hunter: —30 minutes, very, very much becoming a much more frequent and reliable service. We know that there is the need and the pressures on the organization to expand service and to make improvements, to open up and to redefine certain stops and hubs. Well, the air-rail link is a part of all of that, because remember, these networks are going to connect at Union Station.

The revitalization of that initiative is also under way. Travellers will be able to get right on the UP Express, get out to the airport in a reliable, consistent and timely fashion, and then connect on their way from there anywhere in the world that they need to go, without having to get in their cars. I think the impact of reducing those car trips is very important.

I certainly see that, in terms of the way that the question has been redrafted, gathering and evaluating the data regarding consumer preferences of the services in question—so the services that will be available as it relates to the UP Express and the air-link link—making sure that we are getting back information that's not broad based but that is specifically related to the improvements being made to UP and to the air-rail link expansion. And also, perhaps, even the connecting points: That has to

also be considered, because we know that that affects people's decisions. How easily can they transition from one mode to the next? How quickly will that be facilitated with the links at Union, Bloor and Weston? Those are also very important considerations. I would like to certainly see that information brought forward in any market studies that we will review, and to ensure that that is defined to the work that's being done with the air-rail link.

Oftentimes, when searches are done, and they're done for a variety of reasons, we want to ensure that the information we're getting is information that is relevant to the question that we're asking, and that can only be done if we are specific in how we're defining that information. We've talked at length about the searchability of the information and ensuring that there is the opportunity to have that information in the right form.

I still believe that the 30 days is a very short turn-around time. I know we've already voted on that, but I think that one of the reasons why we're here with this second amendment is because we weren't able to get your consensus on that. So what we're trying to do here is to narrow the scope and to be specific about what this information, at the end of the day, will be used for.

The Chair (Mr. Lorenzo Berardinetti): Okay. Your 20 minutes are over. Any further debate?

Mr. Jim McDonnell: I'd like to have a two-minute recess—

The Chair (Mr. Lorenzo Berardinetti): Okay, a two-minute recess. My clock has 10:16, so till 10:18.

Ms. Dipika Damerla: Mr. Chair, you didn't recognize—I wanted to add a little bit more to the debate before the vote.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry?

Ms. Dipika Damerla: I still have a few things to say, to add to the discussion.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Yes. Let's have the two-minute—

Ms. Dipika Damerla: Mr. Chair, I just wanted to know if I would be given an opportunity to speak, because—

The Chair (Mr. Lorenzo Berardinetti): Okay. Mr. McDonnell, you want to move—he just wants to move a two-minute—

Ms. Dipika Damerla: But you're not going to call the question, because I just want to make sure that I get my opportunity to—there were a few things that I was not able to add last time that I would like to add.

Mr. Mike Colle: On a point of order, Mr. Chair: There's no limit on the number of 20 minutes that you can speak to a motion.

The Chair (Mr. Lorenzo Berardinetti): I'm allowing each member to have 20 minutes to speak to it right now.

Mr. Mike Colle: The proceedings say that there's no limit to the 20 minutes.

The Chair (Mr. Lorenzo Berardinetti): Yes.

Mr. Frank Klees: Are you challenging the Chair?

The Chair (Mr. Lorenzo Berardinetti): The Clerk has told me that people can go back and forth for 20 minutes each. I'm trying to get some order in this and get this dealt with and the motion dealt with as well. That's all.

Mr. McDonell just wants to move a two-minute recess. All right, so you have a two-minute recess. We'll start it now. I have 10:18. We'll come back at 10:20. That's two minutes.

The committee recessed from 1018 to 1020.

The Chair (Mr. Lorenzo Berardinetti): Okay, the two minutes are up. We're back. I'm going to recognize Mr. McDonell and then Ms. Damerla.

Mr. Jim McDonell: Chair, I move that the motion now—that they both be put.

The Chair (Mr. Lorenzo Berardinetti): Okay, I'm going to allow Ms. Damerla to speak.

Mr. Jim McDonell: But we have to vote on this, though.

The Chair (Mr. Lorenzo Berardinetti): Yes, but it's up to the Chair to decide if there has been a sufficient debate. Are you moving closure on the amendment?

Mr. Jim McDonell: I'm moving closure, that they both be put.

The Chair (Mr. Lorenzo Berardinetti): On the amendment?

Mr. Jim McDonell: Yes.

The Chair (Mr. Lorenzo Berardinetti): Okay. One moment, I apologize.

If you move closure, there's no more debate on this amendment, and Ms. Damerla wants to speak.

Mr. Jim McDonell: Okay, but this is on the floor, so I think we have to vote on it.

The Chair (Mr. Lorenzo Berardinetti): Okay. I'm going to take some clarification from the Clerk here. I want to just get this right.

We've allowed each person 20 minutes. Mr. Colle only used 15 minutes of his time, so I'm going to allow Ms. Damerla to speak.

Mr. Jim McDonell: But does my motion not have to be voted on. I think the—

The Chair (Mr. Lorenzo Berardinetti): Yes, I'm going to rule it out of order at this point in time.

Mr. Jim McDonell: But I think that procedurally you have to vote, you have to move this vote on this motion.

The Chair (Mr. Lorenzo Berardinetti): I don't feel there has been sufficient debate on the matter. Therefore, pursuant to standing order 48, I will not put the question right now.

Ms. Damerla?

Ms. Dipika Damerla: Chair, I think we need some clarification once and for all. Last time, at the last committee meeting when I wanted to speak, an opposition MPP said I couldn't, and I didn't say anything at that point. But my understanding is that, according to standing order 109, a member can speak more than once. After they're finished their time, somebody else speaks, and then the member has an opportunity to speak again.

I really want a clear ruling from the Clerk, and if the Clerk would also read out standing order 109, because this thing happened last time as well where I wasn't allowed to speak, and that's perhaps because members don't have a full understanding of committee procedures, that I do have the right to speak even though I've spoken before. Perhaps if we could just get a ruling on that, and after we have that ruling, I'm happy to proceed and speak to the amendment to the main motion.

The Chair (Mr. Lorenzo Berardinetti): Basically, the Clerk is telling me that any member can speak more than once after one member has spoken. I'm trying to get this wrapped up.

Mr. Jim McDonell: Yes, but you also, before we started, said you'd give everybody 20 minutes as a maximum. Everybody has had their chance to talk. Some of them didn't use the full 20, but almost all of the 20. It's time to call the question.

The Chair (Mr. Lorenzo Berardinetti): The Clerk has directed me to the standing order rules right here, and a member is allowed to speak a second time if someone else speaks before them.

Mr. Jim McDonell: But Chair, we asked you for closure on this. Do you not feel that there has been sufficient debate after almost an hour and a half of debate on this amendment that is clearly just a stalling tactic? We've been here over 90 days waiting for this motion to pass. There is a limit, Mr. Chair, and I think that we're well beyond that. I mean, this idea of not allowing public consultation in a market study—I mean, what is a market study but public consultation? It's an absurd—

The Chair (Mr. Lorenzo Berardinetti): Now you're speaking to the amendment that's before us right now.

Mr. Mike Colle: Could we have a copy of standing order 109, please?

The Chair (Mr. Lorenzo Berardinetti): Okay. It's 10:25. I'm going to be adjourning the meeting, and there will be a copy provided to everybody of the standing order you requested. We're adjourned.

The committee adjourned at 1026.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 18 March 2014

Journal des débats (Hansard)

Mardi 18 mars 2014

Standing Committee on Government Agencies

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 18 March 2014

Mardi 18 mars 2014

The committee met at 0906 in committee room 1.

AGENCY REVIEW: METROLINX

The Chair (Mr. Lorenzo Berardinetti): Good morning and welcome to this meeting of the Standing Committee on Government Agencies.

Before we begin, I would like to ask the Clerk to clarify for the committee a couple of points on procedure that were raised at the last meeting.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Yes. At the request of the Chair, I'd just like to clarify a couple of points.

At the last meeting, some questions arose regarding time limits on speeches in committee and questions regarding closure. I just wanted to address these two points very briefly.

First, regarding time limits: As per the committee's request of last week, I have distributed copies of standing order 109. You should have those in front of you. The standing order reads, "In any standing or select committee, the standing orders of the House shall be observed so far as may be applicable, except the standing orders limiting the number of times of speaking. Unless expressly provided by the standing orders or by unanimous consent, no member shall speak for more than 20 minutes at a time in any standing or select committee."

What this means is that, unlike in the House, a member may speak more than once to any issue before the committee. Since members may speak for no more than 20 minutes at a time, after a member has spoken for 20 minutes, the Chair must interrupt that member and ask if anyone else would like the floor. If no one else wishes to speak, the member may continue his or her debate and then the Chair must interrupt again after 20 minutes.

Very briefly regarding closure: Closure is one of the few motions that may be moved when another motion is already on the floor. If carried, it has the effect of ending the debate at hand and compelling the Chair to put the question on the main motion before the committee.

Closure ends debate on the main motion and any amendments thereto. Each amendment is considered part of the larger debate and not a separate question. The proper procedure for moving closure is for a member to obtain the floor and move that the question be now put.

The Chair must exercise discretion when deciding whether or not to put the question on a closure motion.

The Chair must be satisfied that there has been sufficient debate up to that point, that all members who wish to speak to the question had an opportunity to do so and that nothing new is being added to the debate, and also that the motion is neither an abuse of the standing orders of the House, nor an infringement on the rights of the minority.

If the Chair is satisfied that these conditions have been met, he shall put the question on the closure motion immediately without amendment or debate. However, if the Chair feels that there has not been sufficient debate on the matter, he shall state this for the committee and not put the question. If the motion for closure carries, the original question, that on the main motion, shall be put forthwith and decided without amendment or debate.

To use the current business before the committee as an example, the Chair would put the question on Mr. Marchese's original motion and not any amendments that may be on the floor. Closure would have the effect of closing the debate on Mr. Marchese's motion and the amendments would be lost—just to clarify.

Mr. Frank Klees: Chair?

The Chair (Mr. Lorenzo Berardinetti): Mr. Klees?

Mr. Frank Klees: Perhaps the Clerk could provide some guidance in terms of what guides the Chair. I'm sure that while we presume on the wisdom of the Chair, there would be also be some guidance in terms of the length of debate that should be considered sufficient.

The Chair (Mr. Lorenzo Berardinetti): I have asked Mr. Todd Decker from the Clerk's department to provide me with that, exactly the question you've asked. I haven't received anything from him yet. I asked last week for that. I'll just reread this. Do you want me to reread this part here?

Mr. Rosario Marchese: Could you try to speak up please? It's really hard to hear.

Mr. Rick Bartolucci: Sylwia as well as Lorenzo, please. I didn't hear most of what Sylwia said because the mike isn't projecting the way we would want it to project.

If you could, Sylwia, in a nutshell, just sort of repeat what you said—not everything, but in essence. What is closure and when is closure valid? When is it invalid?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Closure is a motion that would have the effect of closing or terminating the debate on the main motion, meaning the original motion and any amendments

thereto. A closure motion can be moved at any time, meaning when another motion is on the floor, and then the Chair must exercise some discretion. The Chair must determine that there has been sufficient debate on the motion, that every member who wished to speak had a chance to do so, and that nothing new was being added to the debate. The Chair would also be guided by precedents, looking at past closure motions that have been moved and carried or had the question put on them in committees, and this speaks to Mr. Klees's question.

The longest debate in committee before closure was put was upwards of 16 hours over seven meetings. More recently, closure was put on a debate lasting about eight hours over four meetings, but another factor, of course, is the length of meeting that a committee has during the course of a week.

Miss Monique Taylor: Can we have clarity on how much time we've spent on this debate?

The Clerk of the Committee (Ms. Sylwia Przedziecki): To date, not counting any recesses—just debate—the committee has spent just over three hours.

Mr. Rosario Marchese: Oh, we've got so much time.

The Clerk of the Committee (Ms. Sylwia Przedziecki): I should say that's over six meetings. So this would be the sixth meeting that the debate is continuing.

Miss Monique Taylor: Three hours over six meetings?

Mr. Frank Klees: Chair, is there any requirement for the quality of debate? Because I think we can certainly call some of that into question.

Mr. Rosario Marchese: That's a good point, Frank, actually. There probably should be.

The Chair (Mr. Lorenzo Berardinetti): There are two answers, I guess, in my view.

Mr. Rick Bartolucci: Yes and no?

The Chair (Mr. Lorenzo Berardinetti): Well, from my point of view, quality, yes; but procedurally, as the Clerk said—

Mr. Rosario Marchese: Anybody can blah-blah for as long as they want.

The Chair (Mr. Lorenzo Berardinetti): No. If there are motions put forward, I have to consider them, unless they're something really not related to your motion, Mr. Marchese.

Mr. Rosario Marchese: Yes, we're okay with that.

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor.

Miss Monique Taylor: Clarification, one more time, on closure when there's an amendment on the floor?

The Clerk of the Committee (Ms. Sylwia Przedziecki): If closure passed, the Chair would then put the question on the main motion, so the amendment on the floor would be lost.

The Chair (Mr. Lorenzo Berardinetti): All right.

Miss Monique Taylor: In that case, I would like to call closure on debate on this motion.

The Chair (Mr. Lorenzo Berardinetti): Okay. Miss Taylor has moved closure. In my view, there hasn't been enough debate, and I will continue the debate today.

Mr. Frank Klees: What is it that you still need to know, Chair?

The Chair (Mr. Lorenzo Berardinetti): There has been a couple of amendments. We're on amendment 2 right now.

Mr. Rick Bartolucci: I think we should take this very, very seriously and not make light of the facts. Closure is a very, very serious motion, and if we move closure, if we felt it was right, would deny individuals such as Doug Holyday from speaking to a motion. Whether he would have added value or not is not for us to determine. He's elected by his constituents, and so everything he says, as far as his constituents are concerned, is valid.

I don't think we should take closure lightly. Closure is very, very serious. I'm going to be perfectly honest with you. I will want to speak to some of the amendments; I don't know if I'll use my 20 minutes or not. I'll be speaking because I have some concerns with those amendments and I think—I hope—some material that adds something to them. But the fact that we just want to move closure to move closure isn't right. I don't think it's in the best interest of this committee.

Mr. Rosario Marchese: Chair, he's absolutely right. We should move on.

The Chair (Mr. Lorenzo Berardinetti): Go ahead, Mr. Klees.

Mr. Frank Klees: Just so I can get this on the record: I do have a motion that I would like to table with the committee, and I'd like some guidance in terms of when the appropriate time is for me to do that.

The Chair (Mr. Lorenzo Berardinetti): I was going to start the meeting with just a few housekeeping matters to extend, perhaps just read them quickly, and then we can just get some guidance from the Clerk. In front of us right now is the debate on the second amendment; it's the amendment moved by Ms. Damerla to a motion by Mr. Marchese regarding the production of documents from Metrolinx and the Ministry of Transportation. We should all have that amendment in front of us.

But I just want to do this first of all. There are two subcommittee reports, a subcommittee report dated Thursday, March 6, 2014, and the subcommittee report dated Thursday, March 13, 2014. Can someone move adoption of those two subcommittee reports?

Mr. Jim McDonell: Do you want me to?

The Chair (Mr. Lorenzo Berardinetti): Okay.

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointments dated Thursday, March 6, 2014.

The Chair (Mr. Lorenzo Berardinetti): Okay. Any debate? All those in favour? Opposed? That carries.

Then the subcommittee report dated Thursday, March 13, 2014. Miss Taylor.

Miss Monique Taylor: Thank you, Chair. I move adoption of the subcommittee report on intended appointments dated Thursday, March 13, 2014.

The Chair (Mr. Lorenzo Berardinetti): Any debate? All those in favour? Opposed? That carries.

Now, there's the extension of deadline for considering the appointment of Michael Gallagher, nominated as member, Workplace Safety and Insurance Board; this is a selection of the official opposition from the December 13, 2013, certificate. The extension expires March 18, 2014.

Then there's Ranjit Singh Dulai, nominated as member, Ontario Judicial Council, again a selection of the official opposition, from the February 21, 2014, extension certificate. The deadline expires March 23, 2014.

There's Sarah Jacobs, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario), a selection of the official opposition from the February 21, 2014, certificate. The deadline expires on March 23, 2014.

Then we've got Anne Golden, nominated as member, Metrolinx, selection of the official opposition and the third party, from the February 21, 2014, certificate. The deadline expires March 23, 2014.

Number five is Iain Dobson, nominated as member, Metrolinx, selection of the official opposition and third party from the February 21, 2014, certificate. The deadline expires March 23, 2014.

Do we have agreement to extend the deadline, people? Agreed? That's agreed. Carried.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): If I could have the attention of the committee. We need 30 days from today for the extension of the deadline to consider the intended appointment of Michael Gallagher, nominated as member, Workplace Safety and Insurance Board. The date would be April 18, 2014. Do we have agreement on that extension? Then we need agreement to extend the deadline to consider the intended appointment of Ranjit Singh Dulai, nominated as member, Ontario Judicial Council. The date would be April 23, 2014. Do we have an agreement on that? Thank you.

0920

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Sarah Jacobs, nominated as member, Environmental Review Tribunal and Ontario Municipal Board, Environment and Land Tribunals Ontario? That date would be April 23, 2014. Is that agreed upon? Okay.

Then we need unanimous agreement to extend the deadline to consider the intended of appointment of Anne Golden, nominated as member, Metrolinx. That date would be April 23, 2014. Do we have unanimous agreement on that? Carried.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Iain Dobson, nominated as member of Metrolinx, to April 23, 2014? That would be the date. Do we have unanimous agreement on that date? Okay.

That's it for that part. We've done the extension of the deadlines. We're going to move on now to—we had the original motion. I'm not going to read it out loud because I think everyone knows what the original—

Mr. Rick Bartolucci: Chair, excuse me for interrupting—

The Chair (Mr. Lorenzo Berardinetti): Mr. Bartolucci.

Mr. Rick Bartolucci: We all sit around this table, and every time we meet, we're asking for an extension of intended appointees because we never get around to intended appointees because of the Metrolinx studies or other studies. Is it possible—and I look to you, Chair, and the front table for some assistance here—to move a motion that would ensure that the first order of business every time we meet is intended appointees, so that we're not looking for extension after extension after extension, and then deal with the other business at hand, such as the Metrolinx studies? Would that motion be in order, first of all?

The Chair (Mr. Lorenzo Berardinetti): It was asked last meeting, but you're asking at this meeting, so I'm going to rule it in order. We'll have a vote, and the vote will be whether or not to do the extensions first.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Okay. I've just been advised by the Committee Clerk that we dealt with it last time and that the issue in front of us—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Yes. So we can't move any other motion because what's in front of us today is the amendment by Ms. Damerla. We're going to debate that today. It came up last meeting, the same issue.

Mr. Rick Bartolucci: You know what? That's valid. I wasn't at the meeting last week, so I don't know what came at the meeting. But then—

Miss Monique Taylor: What game is being played? You're absolutely right.

Mr. Rick Bartolucci: No, that's not—first of all, I've got to be perfectly honest with you. I'm asking questions that I think would be of value to get this committee work done. I'm not going to name anybody, but if anybody thinks we're wasting time, that's fine that you think that.

Mr. Rosario Marchese: Rick, the Chair has ruled on that already. We have another motion before us.

Mr. Rick Bartolucci: No, but you know what? Then my next question, and I think it's valid—for me, at least, it's valid, so I'm going to ask it—is when is it appropriate to make this motion that we deal with intended appointments first and then the rest of the business after? Why do I ask it? I ask it because we're not making good use of our time. We're having to extend everybody—

Mr. Rosario Marchese: Mr. Chair, he's having a debate on a motion that you ruled out of order. You can't allow that.

The Chair (Mr. Lorenzo Berardinetti): Okay, what's—all right. The motion that we're dealing with today was being debated last meeting. Again, this meeting today is the amendment moved by Ms. Damerla.

Mr. Rosario Marchese: That's what's on the floor—

The Chair (Mr. Lorenzo Berardinetti): That's what's on the floor right now. We have to debate that and then—

Mr. Rick Bartolucci: Yes, but by way of clarification, I have a simple question: When is it appropriate to introduce a motion that would say that we deal with intended appointments first before we deal with the rest of the agenda? When is it appropriate? Tell me if it's never, it's never; then end of discussion.

The Chair (Mr. Lorenzo Berardinetti): The only time you can introduce that motion is when there's nothing else on the floor today. What we have on the floor today to deal with in debate is the amendment by Ms. Damerla. That went right till 10:25 last week, so that's what's in front of us today.

Miss Monique Taylor: It's tough getting something on the floor. Out with the old, in with the new. Let's try something different today.

The Chair (Mr. Lorenzo Berardinetti): All right. I was just giving advice to that. If there's agreement by everyone on this committee to deal with the issue brought forward in the motion—

Mr. Rosario Marchese: There's no agreement—

The Chair (Mr. Lorenzo Berardinetti): So there's no agreement there—

Miss Monique Taylor: No agreement.

Ms. Dipika Damerla: Chair, can I just ask a question? Can I just get an explanation from the opposition why there is no agreement on that? It makes sense to finish the committee business that has a finite time so that we can debate the motion. I'm just curious what the reason is. I want it on the record.

The Chair (Mr. Lorenzo Berardinetti): Yes. I just stated on the record that we have a motion in front of us today, and that's the only thing that we can debate unless there's unanimous consent to do that. We didn't get unanimous consent. So the only issue in front of us is the motion moved by yourself, Ms. Damerla, which is to deal with the air-rail link motion.

Mr. Rick Bartolucci: So, Chair, excuse me for trying to pursue this. Are you telling me that this committee will never ever deal with a motion that one of us might want to put forward about making this a more time-effective meeting?

Interjections: Yes.

The Chair (Mr. Lorenzo Berardinetti): There's a yes.

Mr. Rick Bartolucci: Can I introduce it next time, next meeting? Is that possible? Do I introduce it tomorrow when the committee's not sitting? How do I do it?

Interjections.

Mr. Jim McDonell: Chair, a point of order.

Mr. Rosario Marchese: Take control, Chair.

The Chair (Mr. Lorenzo Berardinetti): Yes. I'm just saying that the only thing that's in front of us today are the—what we're going to debate today is the air-rail link motion, the amendment that was moved by Ms. Damerla. So any further debate on this amendment?

Miss Monique Taylor: Call the question, Chair.

The Chair (Mr. Lorenzo Berardinetti): Mr. Bartolucci.

Mr. Rick Bartolucci: Okay. You know what? I don't want to be hogging, so if Miss Taylor wants to speak for me, that's fine.

Miss Monique Taylor: I'd like to call the question then, Chair, please.

The Chair (Mr. Lorenzo Berardinetti): No, I'm going to say that there's not enough debate, and Mr. Bartolucci has up to 20 minutes to speak to this motion.

Mr. Rick Bartolucci: Well, to be perfectly honest, we all have 20 minutes, not just Mr. Bartolucci, and I want to thank—

Interjection.

Mr. Rick Bartolucci: I want to just carry out a bit of an experiment as I begin my talk, my comments, whatever you want. I don't know if I'm going to go 20 minutes, five or 10 or whatever.

But when you see "market study," I'm going to ask everyone here who sits as a committee member to put three words on a piece of paper what you define as market study.

Interjection.

Mr. Rick Bartolucci: I know it's rhetorical and that you're not going to do it, but I would daresay that if we were to comment individually on what we think a market study to be, we would all have something a little different to say.

Interjection.

Mr. Rick Bartolucci: And then I would suggest that in order to—

Interjection.

Mr. Rick Bartolucci: But you see, here's the problem. Okay? When you're trying to put something forward that I think makes sense, we're being interrupted. Do you know what? I think there's a procedure around here—it's called respect for another member—that I think we should follow. The constant interjections are, first of all, not respectful. Secondly, I don't think they're helpful, and third, I think they're counterproductive to what the members of this committee want over the course of this meeting.

That's why I go back to my original motion. I have a sneaking suspicion here that we're going to be debating these amendments for an awful long time and we're going to be slowing down the process of putting forward good candidates, candidates that have been nominated by all three parties, to sit on Ontario committees for the good of Ontarians. That's why I asked, and still didn't receive an answer to the question, when is it appropriate to put forth a motion? However, I will leave that for another time.

0930

I want to be as helpful to this committee as possible, as a member, because I believe this committee takes its work very seriously. When someone says, "include market study," that is incredibly vague, and I think, for the people who will be garnering the information, unnecessarily difficult for them to define. So, by defining this word and telling the agency what you mean, what we mean as a committee, I think we will be getting informa-

tion back that is appropriate to what we ask. Whenever I say “market study,” for me, a market study may be a finite definition. For another member, it may mean something a little broader, and for others, it will be so vague that the people we are asking, Metrolinx and the Ministry of Transportation—my fear is that we get a whole bunch of paper that’s needless to the task at hand.

Market studies that I’ve been a part of—I think Mr. Klees and I sat on a committee several years ago together, and when we asked for a market study, I think we zeroed in on the economic impacts of a market study or the social impacts of a market study, or there could be a number of other factors, but to leave it just general—“Let’s do a market study”—I think does a disservice for all of us. That’s why I think the amendment that we’ve moved is a good amendment, because it provides for some clarity for Metrolinx and the Ministry of Transportation.

It’s my understanding—and I could be wrong, because I am relatively new to this committee—that this is going to be the first large document request motion that Metrolinx will be receiving from us. I think it’s important that we’re able to define the parameters around this study, because I think what we want to come back to us is something that we can use, something that is valuable, something that has focus, something that will answer some of the questions we have, something that will be pointed; something that will allow this committee to do its work and come up with recommendations that are valid, valuable and within the context of Mr. Marchese’s original motion. I would hope that as we move forward and as we deal with not only this amendment but other amendments, there will be clarity and certainty and specificity around the particular requests that we’re making. In other words, to make this clear, I think there should be clear parameters, clear definitions, around anything we ask Metrolinx or the Ministry of Transportation or anything else to do.

I also think that we shouldn’t, and I don’t think Mr. Marchese’s motion is doing this—let me put that—I don’t think we’re intentionally wanting to waste Metrolinx’s time or the Ministry of Transportation’s time. I think the motion is a valid motion, it’s an important motion, and the amendment is simply to put some parameters around that. So what we are really doing is simply asking Metrolinx and the Ministry of Transportation to be a little bit more specific in the search that they’re going to be doing, so as to make the process for them, that they will be using to garner the information we will be requesting, a little bit more efficient and a little bit more effective. This will allow us to be both efficient and effective as we continue our deliberations with the main motion.

I don’t know if Mr. Marchese would see any value in being a little bit more specific with the definition of “market study.” When I finish, hopefully he will comment, because I think that’s important.

The Chair (Mr. Lorenzo Berardinetti): Mr. Marchese.

Mr. Rosario Marchese: I want to be helpful to the member, because they’re all struggling with this. The original motion was that we wanted to know how many people the government believes would use the Union Pearson Express, and at what price. I’m not quite sure how much more specific that needed to be, but clearly, for the members, it’s complicated.

But I want to facilitate this for the members and simply say that they could probably filibuster forever, and we will never get the information that we’re looking for. I want to simply say quickly that I’m going to support their amendment so that we can move on.

The Chair (Mr. Lorenzo Berardinetti): All right. Mr. Bartolucci, you still have about 10 minutes left of your time.

Mr. Rick Bartolucci: It’s not how much time I have left or not, because that’s not the main focus here. The main focus is to make sure we have the best possible direction given to Metrolinx and the Ministry of Transportation. I’m happy that the member believes it is important to define “market study” so that we get as close—

Mr. Rosario Marchese: Mr. Chair, I was saying to the member that I’m willing to support his amendment in order to move on.

The Chair (Mr. Lorenzo Berardinetti): All right, but he’s speaking to the amendment.

Mr. Rick Bartolucci: Yes, and we’ll continue to speak to the amendment—

Mr. Rosario Marchese: This cracks me up—

Mr. Rick Bartolucci: —because I really think that—
Interjection.

Mr. Rick Bartolucci: You see? This is the problem that we have whenever we sit around in committee. It has to be confrontational.

Mr. Rosario Marchese: I’m supporting your amendment, and you still want to talk—

Mr. Rick Bartolucci: It has to be confrontational.

The Chair (Mr. Lorenzo Berardinetti): Excuse me. I don’t want to make this argumentative. He has up to 20 minutes to speak. I could put the question forward if we have unanimous consent to agree to Mr. Marchese’s—I mean—

Mr. Rosario Marchese: I’m agreeing to their amendment.

The Chair (Mr. Lorenzo Berardinetti): All right.

Mr. Rosario Marchese: Why do we have a debate?

The Chair (Mr. Lorenzo Berardinetti): Okay, so Mr. Marchese agrees to the amendment. Do we have unanimous consent? I heard a no.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Excuse me—

Miss Monique Taylor: Excuse me, Chair. May I speak?

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor, please go ahead.

Miss Monique Taylor: We just heard from the members how we need to be moving forward, how we need to be able to put further things on the floor, how we need to

be able to make time for the people of this province to be able to sit on the committees, and to make this province function. We're trying to work with the government to make that happen by allowing their amendment to go through, and yet they still want to continue to waste time.

We're confused on this side, Chair. We would like to be able to move things forward.

The Chair (Mr. Lorenzo Berardinetti): All right. I'm going to put this question forward. Is everyone in unanimous agreement that we vote on this amendment?

Ms. Dipika Damerla: But, Chair, he just wants to finish his thought—I think it's just courtesy to allow him to finish—

The Chair (Mr. Lorenzo Berardinetti): Okay. I'll ask the same question once again: Do we have unanimous consent to vote right now on this amendment?

Ms. Dipika Damerla: Chair, can we have a 20-minute recess before the vote?

The Chair (Mr. Lorenzo Berardinetti): If everyone's agreed here that we've finished enough time debating this motion, then we can vote on this amendment. If there's not unanimous consent, then the debate continues on this amendment.

0940

Interjections.

The Chair (Mr. Lorenzo Berardinetti): I heard a no.

Miss Monique Taylor: Are we allowed to get a recorded vote on unanimous consent on this?

The Chair (Mr. Lorenzo Berardinetti): I'll have to ask the Clerk. I apologize.

Okay. Mr. Bartolucci, you can finish speaking. You can continue speaking. We have the clock in front of us and you have about seven minutes left.

Mr. Frank Klees: How much time does he have left?

The Chair (Mr. Lorenzo Berardinetti): Seven minutes.

Mr. Frank Klees: Seven minutes?

Mr. Rosario Marchese: You guys crack me up.

Mr. Rick Bartolucci: Well, you know what? We may be cracked up—

Mr. Rosario Marchese: No, you crack me up.

Mr. Rick Bartolucci: You can be cracked up all you want, but I've got to be perfectly honest with you. Now, I guess I have to speak for the next seven minutes.

The Chair (Mr. Lorenzo Berardinetti): I'm going to ask this question, then: Mr. Bartolucci, are you finished speaking?

Mr. Rick Bartolucci: No, I'm not.

The Chair (Mr. Lorenzo Berardinetti): All right.

Mr. Rick Bartolucci: I will continue to speak until the Clerk tells me that my time is up. I was prepared to end my discussion with only one comment, but since some people on the other side think that we're wasting valuable time—I see this as very, very important. I think that if we were concerned about wasting valuable time, half of the stuff that is being brought forward is, in my estimation, a lack of proper use of staff time. I am going to talk to the amendment because I think that the amendment is an important amendment. From here on in—

Miss Monique Taylor: We're agreeing with you.

Mr. Rick Bartolucci: And I'm glad that you're agreeing with me, finally, but if you had agreed last week, this would have been done. But for whatever reason, you didn't agree last week. You're going to agree this week—at least you're saying you're going to agree. I don't know, when the vote happens, if you will continue to be in agreement. That's the problem. That's the dilemma. That's what's wrong with the type of structure we have here at committee.

Let me repeat what I think to be very, very important. Market studies are incredibly vague unless there is some specificity around the definition of market study. I think that's one of the very, very important facts that I want to make over this. I'm happy that it looks like the third party might agree with it. I just wish that the mover of the original motion might have thought of that when he was putting forth the motion, and then we wouldn't have to be debating what we're debating.

I guess what I would ask of the member who moved the motion is, are we looking at the economic impacts? Are we looking at the social impacts? Are we looking at the physical impacts, the infrastructure impacts of Metrolinx, with this motion? What, in fact, are we asking the people of Metrolinx and the Ministry of Transportation to put together for us? Again, I want a meaningful document to come back from Metrolinx and the Ministry of Transportation. I don't want pages filled with a whole lot of material that, unfortunately, none of us are going to look at. I think that is a colossal waste of time, and that's why this amendment is very, very important to me.

But I also think—I'll put this in my comments with the amendment, because I think this is just part of the problems that we're going to continue to have as we move forward—that the meaningful business of this committee can be made more meaningful if we were to debate a motion that would put intended appointees first before committee. I understand that that's not being debated now, but I just want to say, as part of the comments that I'm making, that I think that's a motion that is worthy of debate because it's going to maximize our time and minimize the waste of time that sometimes happens at committee inadvertently. I don't think any of us do it on purpose, but maybe it's just the structure of the agenda that is brought forward to us. I continue to wonder how one of us—any one of us—around this table can get a motion on the table to debate so that we don't have to spend our time trying to rationalize what we're doing first, what we're doing second—

The Chair (Mr. Lorenzo Berardinetti): Mr. Bartolucci, you have one minute left.

Mr. Rick Bartolucci: We have one minute, so let me summarize. I think the points that I put forward are valid—in my estimation, anyway. I hope they are valid to the other members of the committee. I don't know that we have solved anything with regard to the broader problem of procedural opportunities that we don't seem to want to take by debating a new motion saying what should come first and what should follow intended appointments.

However, having said that, I will certainly end my comments by thanking the members for being respectful as I made my remarks. Thank you.

The Chair (Mr. Lorenzo Berardinetti): Okay. I'm going to rule, members of the committee—Miss Taylor, did you want to say something?

Miss Monique Taylor: I was just going to call the question, Chair. Thank you.

The Chair (Mr. Lorenzo Berardinetti): Okay. I'm going to move that there has been enough debate on this amendment, so we're going to vote on the amendment.

Ms. Dipika Damerla: Chair?

The Chair (Mr. Lorenzo Berardinetti): Ms. Damerla.

Ms. Dipika Damerla: I'm happy to go to a vote, but, before that, could we have a 20-minute recess? I also want to go on the record that once we have voted on it—and I really want to thank the third party for their support on this—we have another amendment that we'd like to introduce. I just want that on the record.

The Chair (Mr. Lorenzo Berardinetti): All right. The vote will happen in 20 minutes, after the recess is over. Okay? Thanks. We'll come back about eight minutes after 10. So we're recessed.

The committee recessed from 0947 to 1007.

The Chair (Mr. Lorenzo Berardinetti): Okay, the 20-minute recess is over. I'm just going to put the question here, members of committee, on the amendment moved by Ms. Damerla. All those in favour of the amendment? The amendment carries.

Now we move to the main motion, which was moved by Mr. Marchese. I'm just going to ask a question. You have a motion, and then you have two other amendments. You moved three items when we started this debate.

Mr. Rosario Marchese: There were three motions, quite right.

The Chair (Mr. Lorenzo Berardinetti): Okay. If we were to vote on your motion, the original one, are we still going to debate the other two as well? I just want to get some direction as to where we're going.

Mr. Rosario Marchese: Yes. Although I do have another motion, the idea was to move on to the others as well, yes, after this.

The Chair (Mr. Lorenzo Berardinetti): Okay. This amendment has passed. I would move to the main motion, which was moved by—sorry, Ms. Damerla?

Ms. Dipika Damerla: I have an amendment to the main motion before we vote on the main motion.

The Chair (Mr. Lorenzo Berardinetti): Can you at least read the amendment? I want to get to the main motion.

Ms. Dipika Damerla: You'd like me to read the motion in? Yes.

Mr. Rosario Marchese: Do you have a copy of your amendment—the other amendment?

Ms. Dipika Damerla: Yes, we do. It's a fairly straightforward amendment. I can read it, or did you first want us to make copies? Either way is fine.

Miss Monique Taylor: Which way is going to take longer, Chair?

Interjection.

The Chair (Mr. Lorenzo Berardinetti): At some point, it's going to be cut off.

While we're waiting, I just want some direction from the committee—oh, you have a copy. Okay.

Ms. Dipika Damerla: I'm happy, in the interests of time, to read the motion while it's being distributed. It's a very straightforward amendment—

The Chair (Mr. Lorenzo Berardinetti): One moment. I want to make sure that everyone has a copy of this proposed amendment.

Ms. Dipika Damerla: I move that “and the Ministry of Transportation” be struck from the motion.

Mr. Rosario Marchese: That the Ministry of Transportation be struck from the motion. I see.

Ms. Dipika Damerla: And I would be happy to explain that rationale.

Mr. Rosario Marchese: So to be clear, Mr. Chair, on December 3 or 9, I moved a motion—

The Chair (Mr. Lorenzo Berardinetti): Yes, I'm reading it right now.

Mr. Rosario Marchese: —and the Liberal members said they didn't like the 30 days. They moved an amendment saying 60 days. That's all they were concerned about. Now it appears that they have concerns about many, many aspects of the motion and they're moving in a totally different area. It amazes me that they move from how “If you had just agreed from 30 days to 60 days, we would have passed the motion” was the original argument—and now we're moving on to all sorts of different places.

Ms. Dipika Damerla: I would be happy to hear all of your arguments—

Mr. Rosario Marchese: My arguments?

Ms. Dipika Damerla: Yes—once the debate proceeds, against or for the motion.

The Chair (Mr. Lorenzo Berardinetti): All right. I'm just going to interject at this point. Between now and next meeting, there has to be a subcommittee meeting to decide where this is going, because there seem to be a lot of different changes, as you've mentioned, Mr. Marchese.

We have a number of people whom we've postponed from being—a number of proposed people who would be appointed to various boards and tribunals. So at some point between now and next week, we're going to have to have a subcommittee report. If we need to, we'll start at 8 in the morning instead of 9 or even earlier, because we're only meeting for an hour and a half—actually, an hour and 25 minutes—so we ought to get through this.

Ms. Damerla.

Ms. Dipika Damerla: Chair, on that topic, one of the things that I'm happy to do is not debate this motion and, first, make sure that the appointees get their chance to be vetted by the committee so that we don't hold that up. That is something MPP Bartolucci also proposed, and we're happy to do that at any point. If we can get unani-

mous consent from the committee, there's no reason why we cannot go ahead with looking into the appointments.

I just want to make that very clear. Our position is, we're happy to put that ahead of this, if we can get unanimous consent.

Mr. Rosario Marchese: To put what ahead of this?

Ms. Dipika Damerla: The appointees. They are looking into—

Mr. Rosario Marchese: Sorry, no. We're dealing with this matter.

The Chair (Mr. Lorenzo Berardinetti): We already voted on that. That was done last meeting and that stopped us—

Ms. Dipika Damerla: No, but we can always revisit that is my point. We don't need—

The Chair (Mr. Lorenzo Berardinetti): That will be dealt with at subcommittee. We've got to clear this up and move on because, in my view, the main purpose of this committee is to deal with—when I was on it years ago, many years ago, we dealt with appointees.

Ms. Dipika Damerla: And we're happy to facilitate that.

Mr. Frank Klees: Chair?

The Chair (Mr. Lorenzo Berardinetti): Mr. Klees.

Mr. Frank Klees: Look, Chair, we know what's happening here—and I agree with you: I think that the conduct of this committee has to be dealt with by the subcommittee. Quite frankly, perhaps it will take the House leaders to deal with this because the obstruction that we're seeing is obvious. If there was a substantive debate going on—every one of us would agree that members should have the right to express themselves and make substantive arguments. This has gone beyond the pale. It's an insult to the member who brought the motion forward. It's an insult to the rest of the members of this committee.

The repeated appeal on the part of members of the government to move appointments ahead of this business is, quite frankly, offensive. This committee has business before it. We should deal with it and then move on to the next order of business. Everyone sees through what's going on. Regardless of what the staff or the Premier's office may be directing members of this committee to do—because I can't believe for one minute that any one of the members of this committee representing the government would dream up this kind of nonsense.

From our standpoint, we will not play this game. We will defer to the subcommittee or to the House leaders. We should be getting on with the business of this committee.

Ms. Dipika Damerla: Chair?

The Chair (Mr. Lorenzo Berardinetti): Ms. Damerla.

Ms. Dipika Damerla: I do take exception to the characterization just made, because we are making it very clear that we are absolutely happy to consider the appointments first. I don't know how that can be viewed as obstructionist. In my view, the other side not agreeing to put appointments first could also be viewed as ob-

structionist. I think it's very unfair to characterize us as being obstructionist while we're offering repeatedly, "Let's put the prime committee business first. Let's have unanimous consent and consider the appointees." I believe that it is obstructionist not to agree to that. I just wanted that on the record.

Mr. Jim McDonell: Chair?

The Chair (Mr. Lorenzo Berardinetti): We have a motion on the floor right now. As I said, I think the best thing to do is to have the subcommittee meet. At some point during the subcommittee meeting—if that doesn't happen, it's going to happen that we will have to get some guidance from the House leaders.

Go ahead, Mr. McDonell.

Mr. Jim McDonell: I've seen what's going on here. They have been delaying this and wanting to get back to appointments, which we could do just by passing this amendment. We would get back to hearing witnesses if that's what they want.

I move closure. Put the question. We've had debate. We have been here for four months, almost, now, and I don't know what they're scared of. I have heard the Premier speak numerous times about transparency, and I see anything but here. We're simply looking for a report. These reports have been issued. They probably should have been public, anyway. I just move closure to get to the vote, and let's move on. Then we can hear these witnesses that we so desperately want to hear.

The Chair (Mr. Lorenzo Berardinetti): Strictly following the rules, there's no debate on the closure motion, because we've had that, and any discussion would be held in the subcommittee.

Basically, the motion for closure has been put forward. I'm just going to read here. In determining whether or not to put the question on the motion, the Chair must be satisfied that there has been sufficient debate up to this point, that all members who wished to speak to the question had an opportunity to do so and that nothing new is being added to the debate—also that the motion is neither an abuse of the standing orders of the House, nor an infringement on the rights of the minority.

The Chair must also take into account precedent, which shows that, when Chairs have previously put the question on closure in committee, the threshold with respect to debate time has been quite high. The longest of these debates has lasted approximately 16 hours over seven meetings before closure was put. More recently, closure has been put on the table lasting—about eight hours over four meetings.

This committee has been debating Mr. Marchese's motion for—today it will be over four hours, not taking into account any recesses that were taken. I'm going to allow debate to continue. Following these guidelines, I'm going to let this continue, so let's just continue the debate.

I strongly suggest that we have a subcommittee meeting or ask the House leaders to deal with this issue. All right?

Mr. Rosario Marchese: I just wanted to comment if I can, because I'm not sure a subcommittee might solve

this. If the government members insist on introducing amendments, which, presumably, they can, this can go on. They have a right to do that; we're not questioning that. I only wanted to point out that when I had my original motion, the only opposition was on the timing: that it should be 60 days and not 30. That was the only disagreement with the motion. That has changed now, over the last couple of months, into something totally different. We debated an amendment and I said, "I'll accept the amendment." Even when I said that, the debate continued.

1020

Now we're moving to a vote on that, and MPP Damerla has another amendment, and presumably she could have another amendment, because the rules allow that. Clearly, it's obstructionist. We see that and we know that. I'm not sure how the subcommittee can solve that. If the government members continue to do that, it's not going to work.

You could ask—I don't know how—the House leaders to sit down and deal with that. I'm not sure what that will produce, except what we have, and that we follow the procedures and these are the rules. But I'm saying to you, Mr. Chair, that the subcommittee cannot solve this if the government continues to do what they're doing under the rules. I just put that on the table.

The Chair (Mr. Lorenzo Berardinetti): I'm going to follow, as I've said, the precedents that have been created in committees, especially during this particular two years and a few months. As I said—more recently, closure was put on a debate lasting about eight hours over four meetings, so I'm going to allow debate to continue, keeping in mind that this is the precedent. I'm going to try to find out more precedents, if there are any more, of any committee that's been meeting this term in the Legislature. So I'm going to allow debate to happen.

Ms. Damerla?

Miss Monique Taylor: Chair?

Ms. Dipika Damerla: I believe Ms. Hunter—

Miss Monique Taylor: Chair?

The Chair (Mr. Lorenzo Berardinetti): I'm sorry. Miss Taylor?

Miss Monique Taylor: That was four meetings, Chair; this is four months. That should be taken into account. Thank you.

The Chair (Mr. Lorenzo Berardinetti): Yes. All right. I'm going to let this one go through and then we will decide. I think at some point the House leaders are going to have to meet. As Mr. Marchese has said, the

subcommittee won't be able to decide on this. The House leaders will have to give us some guidance on this, but I'm going to let this particular motion go forward. Let's go.

Ms. Mitzie Hunter: Chair, I've been trying to also comment, because I think that some of the remarks, in terms of the value of debate and the opportunity to put forward amendments—it just doesn't seem to be in character.

We have the rules; they've been read out. We are within those guidelines, and I think that should be respected, as we do for all committees in this House.

Also, in terms of the subcommittee's consideration for how to set out the business of this committee, I do think that there is a very valid role that the subcommittee can play. I know this was something that I had asked for quite early, for an opportunity for the appointments to be considered as the first portion of each of our meetings. I think that is something where the subcommittees can sit down and think about how to best utilize the time of this committee so that we can get all of the business of the committee done. I think that's a very valid request that we would have of the subcommittees, to attempt to do that.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Ms. Hunter.

Ms. Damerla?

Ms. Dipika Damerla: Thank you, Chair. I'm just looking at the clock there. I just wanted to know how long I have.

Mr. Jim McDonell: Chair, can I just—

The Chair (Mr. Lorenzo Berardinetti): Mr. McDonell.

Mr. Jim McDonell: I agree with Mr. Marchese. It's within our committee to solve this. It's really for the Chair to decide when debate is sufficient. The subcommittee can't overrule that; the House leaders can't overrule that. That's strictly a decision within your capabilities.

So when it's determined there is sufficient debate—I guess four months is not enough; we'll be into April soon—we'll move ahead, but they are within their rights. I guess the people will decide whether it's filibustering and delaying debate or not, but certainly four months is a long time to debate amendments on, really, nothing.

The Chair (Mr. Lorenzo Berardinetti): Okay. I've taken those remarks into account. It's 10:25, and I'm going to have to adjourn this committee.

The committee adjourned at 1025.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 25 March 2014

Mardi 25 mars 2014

The committee met at 0904 in committee room 1.

AGENCY REVIEW: METROLINX

The Chair (Mr. Lorenzo Berardinetti): Good morning and welcome to this meeting of the Standing Committee on Government Agencies. When we adjourned last week, the committee was debating an amendment, moved by Ms. Damerla, to the motion by Mr. Marchese. We'll continue that debate during the last hour of today's meeting. I have asked the Clerk to schedule one appointment today and that we consider it as our first order of business. After that, we'll return to the debate.

Our intended appointee today is Michael Gallagher.

Mr. Rosario Marchese: Mr. Chair?

The Chair (Mr. Lorenzo Berardinetti): Yes?

Mr. Rosario Marchese: I'm sorry, we did not agree to that. We were in a debate; we're still on debate on the motion. So I'm a bit puzzled by the order of things. We cannot do that until we, as a committee, agree to that.

The Chair (Mr. Lorenzo Berardinetti): I just want to explain that. My role is to make sure two things: that we get appointments through, and we're backed up quite a bit on appointments. I only scheduled one so it would be done in 30 minutes, and then we'd have an hour—

Mr. Rosario Marchese: I understand your sentiment, but we need to deal with the other matters that are before us before we actually deal with other matters, and the committee has to agree with that. I don't think that you can unilaterally do that.

The Chair (Mr. Lorenzo Berardinetti): Okay. There's one appointment here, and that's it. We have an hour.

Mr. Rosario Marchese: If the appointment is here, I sympathize with that individual. I'm even sorry that we have to deal with this. But we have a motion that we have yet to deal with. There's still another amendment to the amendment that we are debating. Unless they withdraw that so that we can move on with the other business, I'm not sure what to say.

The Chair (Mr. Lorenzo Berardinetti): There are two aspects to this committee. There are the appointments, and then we're reviewing agencies, boards, committees. I just think it's important to get one through for today. It leaves us an hour.

Mr. Rosario Marchese: Mr. Chair, I really do appreciate that, but we have seen an incredible reluctance on

behalf of the government members to deal with the motions that were before this committee. They have debated amendments for quite some time, and they still have another amendment to the amendment. You cannot simply say, "There's the business of the committee, but I have decided to bring an appointee because that is also the business of the committee." You simply cannot, on your own, do that. You can't.

The Chair (Mr. Lorenzo Berardinetti): I've consulted not just with our Clerk, but with the Clerks' department, and they have all agreed to the fact that I have the inherent right to secure the progress of business of a committee as Chair. It's part of my job. I didn't schedule three today, only one, because we're getting backed up. We have an hour to debate this motion and just one appointment, because I think we have to move to the appointments. I didn't schedule three; just one. I would like to do that one appointment, as Chair.

Mr. Rosario Marchese: I'm not sure the other members have anything to say. I've already indicated that I understand what you're trying to do, but you cannot facilitate the problems of the governing party by deciding on your own to fit in an appointment. You cannot.

The Chair (Mr. Lorenzo Berardinetti): Yes. I have discussed with the Clerks' department. As Chair, I have the inherent right to deal with appointments as well as with the debate that's been going on since December on your motion. I'm not trying to stall it; I just want to deal with the one appointment, and then we'll get right back and try to speed up the debate and deal with it. If we need to, we can start an hour earlier next week and not put any appointments. You can spend next week from 8 till 10:25 debating this motion. But I would ask the indulgence of the committee to allow one appointment to be dealt with.

Mr. Klees.

Mr. Frank Klees: Chair, here's what concerns me about this: What concerns me about this is that essentially, you are accommodating a strategy on the part of the government members of this committee to drag on the debate has now gone on at great length.

0910

Chair, you know, and all of us here know what the strategy of the government members of this committee is. I think it is highly inappropriate for you, as the Chair, to support them in their partisan manipulation of this committee. I feel embarrassed for Mr. Gallagher. We would like to get this on as well, but I hope that Mr. Gallagher

understands that we have a responsibility to the process here as well. This has nothing to do with wanting to delay him. I know that his time is valuable as well.

But I want to register with you that in all the time that I have been here in the Legislature, in 18 and a half years, I have never experienced the Chair of a committee taking this step to essentially support a partisan manipulation on the part of government members of a committee and the business of a committee. You may well have the authority to do it; I'm simply saying that I believe it's wrong for you to do this. I think that you are setting a precedent here. I don't know when the next time is that we can expect you as Chair, or any other Chair, to essentially say, "Well, we're going to suspend this. It doesn't matter what the order of business is. It's my will, as the Chair, to interfere or to take over the agenda."

I don't like it. I'd ask you to reconsider, because I think the implications are far-reaching. Thank you, Chair.

The Chair (Mr. Lorenzo Berardinetti): Ms. Taylor.

Miss Monique Taylor: Thank you, Chair. I have to agree with the speakers before me. When I saw this on the agenda, I was quite concerned, as well as confused, because I believe that we had spoken of this at this table, saying that we didn't support having people come before us until the matter that we had at hand was dealt with.

You mentioned that it is your inherent right to make these decisions, but it is also your inherent right to collapse debate, which you could have already done, and we could have moved through this process, and we could be seeing folks like Mr. Gallagher come before us. I think it's very unfortunate that he's here today and having to be put in the middle of this debate. It's not fair to his time. I apologize for the time that you've taken to come here today, but this isn't what we have spoken of previously.

You had also mentioned that we would be having a subcommittee meeting to deal with this and to have our House leaders talk about that. I didn't get an invitation to a subcommittee meeting, and we could have dealt with this at that time. I think it's really unfortunate that we've all been put in this position now.

The Chair (Mr. Lorenzo Berardinetti): Just for the record, there are 14—he's the 14th person—who are waiting to be appointed.

Mr. Frank Klees: Tell them that. Tell them to stop their filibustering of this committee. We could have them all here and deal with all of them.

The Chair (Mr. Lorenzo Berardinetti): What I have to do here is balance the two duties that I have. One is to deal with the nominations, and we've got 14 of them now piled up; and secondly is to deal with the review of agencies, boards and commissions and so on. So all I'm asking you to do—I spoke to the Clerk, and I decided, through her; we discussed it—is deal with one appointment and then spend an hour. We have spent a long time on this motion, but we'd just like to get one appointee through.

Mr. Bartolucci.

Mr. Rick Bartolucci: Thanks, Chair. I go back to my wanting to introduce that motion. If the committee had seen that motion as being in order, we wouldn't be having this discussion. We'd either be dealing with Mr. Gallagher right now or we would be moving into the amendment to the amendment to the amendment etc.

Here's what I don't like: You've made a ruling, Speaker. They have offered their opinion, but they haven't challenged the Chair. I would hope that they would respect your opinion because it's based, I guess, on advice that you've received with regard to moving forward with this one appointment and then we were going to go back to the business. You can't delay the business, folks. We have this one appointment and then we move into Mr. Marchese's motion. It's that simple. Why are we wasting everybody's time? It's now 17 minutes—

Miss Monique Taylor: That's rich.

Mr. Rick Bartolucci: It's not rich. You know what? All of you are members of other committees. I happened to have been subbed in on a committee last week where I saw a blatant attempt on the part of the opposition to waste time at committee. If they think we're wasting time, none of us are pure here; that's for sure.

What I'm suggesting is if, in fact, that's your ruling, let's move on so that we can get the appointment out of the way and then deal with Mr. Marchese's motion. Anything else and we're just wasting time talking for nothing.

Mr. Douglas C. Holyday: Just like right now.

Mr. Rick Bartolucci: Right on, and just like we were since 9 o'clock.

The Chair (Mr. Lorenzo Berardinetti): We're getting a speakers' list. We could have been halfway through this appointment—

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Okay. I have Ms. Damerla down first and then Mr. Yurek; then I have Mitzie Hunter and now I have Mr. Holyday. We could have been done by now.

Ms. Dipika Damerla: All I want is to get on the record to say we are not trying to delay anything. All we have ever asked for is that we give our civil servants adequate time and clear direction as to what we are asking. That has been the only goal of this side of the committee, this side, the government. So I take some exception to the mischaracterization and I just wanted that on the record. Thank you.

The Chair (Mr. Lorenzo Berardinetti): I have Mr. Yurek.

Mr. Jeff Yurek: Chair, I move to postpone the consideration of the question.

Mr. Rosario Marchese: What question?

Mr. Rick Bartolucci: Is that a motion? I thought my motion was out of order.

Mr. Frank Klees: Chair, I have a message here from Mr. Gallagher, saying that after observing what's going on here, he would prefer not to proceed with the appointment.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): I have discussed this now with the Committee Clerk. We had the agenda set and, as Chair, I can set the agenda. I'd like to carry on with the appointment. Maybe the opposition parties won't be using their 10 minutes.

Just a quick question: Mr. Yurek, we have in front of us the agenda. What exactly are you moving with regard to the agenda?

Mr. Jeff Yurek: I'm moving that this will postpone the agenda item, and then we'll be allowed to move on to the next order of business.

The Chair (Mr. Lorenzo Berardinetti): There are two items on the agenda.

Mr. Rosario Marchese: Mr. Chair, I have a question.

The Chair (Mr. Lorenzo Berardinetti): Hang on. I've got three other speakers on this.

Mr. Rosario Marchese: Yes, yes, let's go through the speakers. If you don't mind—

The Chair (Mr. Lorenzo Berardinetti): You're on the list.

0920

Mr. Rosario Marchese: Yes. This agenda is improper, Mr. Chair. That's my argument, when I get there.

The Chair (Mr. Lorenzo Berardinetti): We haven't dealt with the agenda in front of us today. As Chair, I have the right to deal with the first item and then move on at 9:30 and deal with the debate. So I'm going to have to rule that out of order.

Mr. Rosario Marchese: I'm challenging that ruling, Mr. Chair. Get through the speakers—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I think it's better if we get an explanation from the Clerk, because we've been trying to sort this out.

The Clerk of the Committee (Ms. Sylwia Przedziecki): Mr. Yurek moved a dilatory motion, which would have the committee move to the next item of business. My understanding at this point, though, is that the Chair has not yet called an item of business, so the committee is still discussing its agenda. A motion moved at the right time would have the effect of disposing with the item that it's considering and moving onto the next, but my understanding is that we have not yet gotten to the point where we are considering the first item of business. It appears to me that this is a general discussion on the agenda itself.

The Chair (Mr. Lorenzo Berardinetti): All right. What I'm going to do is start the agenda, and then, Mr. Yurek, you can move your motion—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): —to start the agenda going.

Mr. Rosario Marchese: No, Mr. Chair, you cannot do that. I want to argue that last week we debated this very thing. We debated this very thing, where we said we had an item on the agenda and we could not move to any other business until we dealt with that agenda. What you have done today is set the agenda on your own, contrary

to the discussion and the agreement that we had, with the Clerk's advice, that you simply could not do that. You unilaterally cannot do this, Mr. Chair. You are fixing a political problem that is not your right to do.

The way you might have dealt with this is to simply say to the government members: "You have gone too far in trying to stall—forget stall—in trying to deal with the motion." If you had said, "We're going to end that debate," that would have been a reasonable thing for you to have done. But to simply come today and set the agenda, and say, "It is my responsibility to hear other reviews," because that is equally important—you cannot, on your own, do that. The committee decides that business, not you. You are making a mistake as a Chair and it will affect your neutrality, I suggest to you.

The Chair (Mr. Lorenzo Berardinetti): I discussed this with the Chair last week, and we decided to put one person on the agenda—

Mr. Rosario Marchese: Sorry, you discussed it with what Chair?

The Chair (Mr. Lorenzo Berardinetti): I discussed it with the committee Clerk; I'm sorry.

Mr. Rosario Marchese: Which Clerk? This one?

The Chair (Mr. Lorenzo Berardinetti): Yes, this Clerk, present today. We put one person on the agenda and left an hour to discuss the motion.

Mr. Rosario Marchese: I know. You're repeating the same things and I hear you, but my point to you is that you don't have a right to do that.

Interjections.

Mr. Rick Bartolucci: Chair, can we have a 20-minute recess until you people decide which way you're going? And we'll move forward, because we're here watching you and the Clerk speak to each other.

Mr. Douglas C. Holyday: It's you who haven't decided.

Miss Monique Taylor: We could have done so many things by now. It could be over.

Ms. Dipika Damerla: We could have finished Mr. Gallagher by now.

Miss Monique Taylor: You have been filibustering since December 3.

Ms. Dipika Damerla: You guys are filibustering; we're just watching.

Miss Monique Taylor: Since December 3, you've been filibustering. Please don't give me that argument; it's not going to work. It's not washing over.

Ms. Dipika Damerla: If anybody watched the proceedings this morning—

Mr. Rick Bartolucci: Chair, I ask for a 20-minute recess.

The Chair (Mr. Lorenzo Berardinetti): Wait a minute. Hang on. As far as the recess goes, I'd have to ask for unanimous consent for the recess.

Mr. Rick Bartolucci: No. No, you don't.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I heard a no. Okay, I heard a no.

Here's what I'm going to do: If there's no will to proceed with the first item on the agenda, what I need is for someone to switch or go to the second, and we'll go back to the first item after that. Do I have a motion—

Interjections.

Mr. Rick Bartolucci: Is Mr. Yurek's motion in order?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): It wasn't moved at the right time—

Mr. Rick Bartolucci: Okay. If we tell him when to move it, is it in order?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Yes.

Mr. Rick Bartolucci: Okay. And then we deal with this as a new motion. Is that what we do—and all the ramifications of that?

The Chair (Mr. Lorenzo Berardinetti): Mr. Yurek, you're going to have to raise your motion to switch order on the agenda, here.

Miss Monique Taylor: Chair?

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor, yes.

Miss Monique Taylor: With the Clerk's advice, is it possible that we could amend the agenda to change the positioning so that we can go into the debate and then come back to Mr. Gallagher, if we have time after?

Interjections.

The Chair (Mr. Lorenzo Berardinetti): What I'm going to do is move to the second item on the agenda and then come back and deal with the appointment.

Mr. Rosario Marchese: But we're not going to be able to deal with that today unless, of course, we get through the main motion. And by the way, once we get through the main motion, there's a second motion and a third that we still have to deal with—so that you remember.

The Chair (Mr. Lorenzo Berardinetti): I remember, but did you actually table those? I forget; that was back in December.

Mr. Rosario Marchese: Exactly. So we move from one to the other.

The Chair (Mr. Lorenzo Berardinetti): According to the Clerk, they haven't been moved yet.

Mr. Rosario Marchese: I moved all three.

The Chair (Mr. Lorenzo Berardinetti): You moved the first one—

Mr. Rosario Marchese: I submitted all three, and you have to move one at a time. So I moved the first, and then you follow to the second and third.

The Chair (Mr. Lorenzo Berardinetti): We have two items on the agenda. We can deal with the 9:30 issue, the debate on the amendment, but then we have to go back to the selection. It was a selection of the official opposition regarding Michael Gallagher. It wasn't selected by the third party; it wasn't selected by the government.

Mr. Rosario Marchese: It doesn't matter where the selection comes from. We have to agree, as a committee, to do that. If we get through the first motion, we might decide that we could agree to have one or two appoint-

ments dealt with; we could decide that. But we first have to get through the main motion that's before this committee.

The Chair (Mr. Lorenzo Berardinetti): Okay, but the Clerk has advised me that the main motion is the only motion that's been tabled for this committee.

Mr. Rosario Marchese: All right. My point was that I submitted all three. You deal with one motion at a time and then you follow with the next one. But once we deal with the main motion, this committee might decide that we have time to do other reviews.

The Chair (Mr. Lorenzo Berardinetti): All right, but right now, there are two items on the agenda.

Ms. Mitzie Hunter: Chair?

The Chair (Mr. Lorenzo Berardinetti): Yes, Ms. Hunter.

0930

Ms. Mitzie Hunter: Chair, I believe I was also on the speakers' list. I would like us to move forward. We've been talking about the order of the agenda for half an hour, in which time we could have actually dealt with Mr. Gallagher. If we're all in agreement to begin, as the Chair has advised, with the 9:30 item, we would then move to the other item on the agenda, which is Mr. Gallagher. What we're talking about here now—I don't see the point of that. We need to complete the business that's on the agenda today.

As my colleague Ms. Damerla has said, our focus, in asking the questions that we've asked and in talking about this, is a normal part of our business here at committee. It's to seek clarity on what is before us. It's to ensure that we give clear direction to the agency so that they can provide the information that we need as a committee. That's what we've been talking about in terms of the course of this debate, and I think that we need to get on with the business of today's agenda. There are two items, and we should be able to do that.

Mr. Rosario Marchese: There's only one item on the agenda. We'll discuss the other item as soon as we finish the first, the main motion.

The Chair (Mr. Lorenzo Berardinetti): Okay.

Ms. Dipika Damerla: Chair, I do have something to ask for clarification.

The Chair (Mr. Lorenzo Berardinetti): All right. You're on the list.

Mr. Holyday, go ahead.

Mr. Douglas C. Holyday: Thank you, Mr. Chair. As you know, I'm new to this process and certainly new to this committee, but I guess over the last month—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Excuse me, Mr. Marchese. I can't hear Mr. Holyday, who's beside me.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Excuse me, Mr. Marchese. Mr. Holyday wants to make a few remarks.

Mr. Douglas C. Holyday: Mr. Chairman, as I was saying, over the last month I've felt a little embarrassed

by the actions of this committee. I think it is apparent what is happening, and I think that all who are here with an open mind will clearly see what's going on. The fact is that a legitimate motion was put by the NDP. The motion was debated and debated and debated, and then amended and amended. Some people on the government side—as a matter of fact, all of them, I think—took 20 minutes each and went around the circle umpteen ways to Sunday, and then put amendments and did the same thing over and over again. That has put off the business of this committee, including Mr. Gallagher's appointment. I think that it's high time we got down to the business of this committee and quit this circling around and stalling.

I don't think that the government can continue in this way without looking and acting irresponsible. Therefore, they should get on and deal with this motion. Whether they like it or don't like it, let's get a vote on it and get it out of the way, and get on with the legitimate business of this committee.

The Chair (Mr. Lorenzo Berardinetti): All right. I want to take the vote or just move on, but I have—Mr. Marchese, you spoke, right? I have Ms. Damerla and then Miss Taylor.

Ms. Dipika Damerla: And Mr. Bartolucci.

Mr. Rick Bartolucci: And Mr. Bartolucci, at some point in time—10:15, 10:30; I don't care.

Ms. Dipika Damerla: Thank you, Chair. I'm just looking for some clarification. It is my understanding that if you want to change the order of the agenda, a motion has to be filed, and it is my understanding that you cannot file a motion while there's another motion on the floor, so I'm a little confused as to how we are proceeding. I just needed some clarification on that. I'm going to respectfully ask: Let's just get on with the agenda as set by the Chair, and then—

Mr. Rosario Marchese: The agenda was already set. The Chair cannot set a different kind of agenda. The Chair, on his own, cannot set a different agenda. That is what I'm arguing with the Chair. There's only one item, and that's the debate on the amendment. That's the only item before us. We'll discuss the other item that the Chair has put after we deal with the other amendment.

Ms. Dipika Damerla: Chair, I'm not sure how the committee proceeds. Were you directing your comments to the Chair or to me? I wasn't quite clear, Rosie. But that was my question. We're looking for some direction.

The Chair (Mr. Lorenzo Berardinetti): Yes. I have spoken to other Clerks beyond our committee. I have spoken quite a bit with our committee Clerk, but I've spoken to other committee Clerks as well as those who sit at the table. They have made it very clear to me that I have the inherent right to secure the progress of the business of the committee, and if it sounds like the majority of the members here want to proceed with the second item and hold back the appointment, then I'm going to allow the second item, the debate on the motion, to go first, and when that finishes—hopefully today—then we'll deal with the appointment in front of us today.

So instead of continuing this debate ad nauseam, can we at least finish off the debate on this motion of Mr. Marchese's, and then after that, Mr. Marchese, can we go back to the appointment?

Mr. Jeff Yurek: Chair?

The Chair (Mr. Lorenzo Berardinetti): Yes, Mr. Yurek.

Mr. Jeff Yurek: In all due respect, you're being inconsistent as the Chair. You have let the government side go ad nauseam on their motion of the debate, and now you're saying that Mr. Marchese's valid point, with respect, if you can actually set the agenda or not, is an ad nauseam debate that we should end. You're not consistent, Chair, and I request that you become consistent as Chair of this committee.

The Chair (Mr. Lorenzo Berardinetti): No, I have the inherent right to decide what items to deal with, and there are two aspects to this committee. There's the review of the boards and commissions, which we've done—we've reviewed several boards and commissions—and then there's the appointment of people.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Sorry, Mr. Yurek. I want to explain this to you.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Well, he's not going to be able to listen when he's got someone whispering in his ear.

Mr. Yurek—

Mr. Rick Bartolucci: Chair?

The Chair (Mr. Lorenzo Berardinetti): I'm just going to wait for—okay.

Mr. Yurek, I have the inherent right to decide and to balance the interests of this committee in terms of appointments as one aspect and then dealing with reviewing agencies and boards. We have reviewed several agencies and boards since I've been Chair, and we've also dealt with some appointees.

We've spent the last period of time since December dealing with this motion. Now, the Clerk and I have decided, after much discussion, to put one appointment on here, which we would have finished by now. If it's the will of the majority of this committee to set aside the 9 o'clock item and move to the 9:30 item, if that's the majority view, then we'll move to the 9:30 item and leave the 9 o'clock item for after the debate on the motion. So can we please move forward and debate—

Miss Monique Taylor: Yes, let's move forward, Chair—

The Chair (Mr. Lorenzo Berardinetti): Okay. All right. Now, at the last meeting, the—

Mr. Rick Bartolucci: Chair?

The Chair (Mr. Lorenzo Berardinetti): I just want to explain one thing. At the last meeting, I think Ms. Damerla had put forward an amendment to the motion. Now, Mr. Bartolucci, I don't want to cut you off—

Mr. Rick Bartolucci: You already have, but that's all right.

The Chair (Mr. Lorenzo Berardinetti): I'm just explaining that she's moved that, and I want to continue that debate. But go ahead.

Mr. Rick Bartolucci: I just want a very simple question answered by you and by Sylwia. Okay? The agenda has been set. Does the Chair have the right to set the agenda? Yes or no? Because if the Chair has the right to set the agenda, it can't be challenged by anybody and we've wasted 40 minutes, which I said a week ago when I moved my motion that we're going to end up doing this. So it's simple: Does the Chair have the right to set the agenda? Can it be challenged? Yes or no—to both those questions—and then we can move on. Move on, get Mr. Gallagher over with, and then we'll go back to the amendment. But we're wasting time. We've wasted 40 minutes, and it's not us who wasted it.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): I'll ask two questions. I have the right to set the agenda, but if it's the will of the majority of this committee to move to item 2 and put back item 1, then we'll deal with number 2. I understand that—

Mr. Rosario Marchese: This way, you regain a little confidence from the other two parties. Mercifully, you're on the right track.

Ms. Dipika Damerla: Chair, but what about due process? Because what is the—

Mr. Rosario Marchese: Due process?

The Chair (Mr. Lorenzo Berardinetti): No, let's—

Ms. Dipika Damerla: I take objection to that. I really do.

Mr. Rosario Marchese: What due process are you talking about?

Ms. Dipika Damerla: No, Rosie, that is uncalled for. I am sorry.

0940

The Chair (Mr. Lorenzo Berardinetti): All right. So we're going to deal with the debate that was still being dealt with last Tuesday. We'll set the appointment down, and we'll deal with the discussion that was finished last week.

Mr. Frank Klees: She's challenging the Chair.

Ms. Dipika Damerla: No, no. I'm just asking a question, Chair. My only question is: If the agenda is set, does it require unanimous consent to change it, or is it just majority will? That's one. And two: Do we need a motion on the floor to change the agenda, or can it just be changed? I'm just asking what the process is.

Mr. Frank Klees: The Chair can do whatever he wants. You just heard him.

The Chair (Mr. Lorenzo Berardinetti): The Chair sets the agenda, in consultation with the Clerk, but the Chair also has the discretion to change the two items if it's the will of the majority of this committee, which I think it is. So let's continue—and hopefully finish—the debate on the amendment to the motion by Mr. Marchese.

I think, Ms. Damerla, that you had moved the motion last time—

Ms. Dipika Damerla: Yes.

The Chair (Mr. Lorenzo Berardinetti): So let's continue with that debate right now.

Ms. Dipika Damerla: Chair, my question remains, though: To change the agenda, do you not need a motion?

The Chair (Mr. Lorenzo Berardinetti): No, I don't need a motion.

Mr. Rick Bartolucci: Unanimous consent.

The Chair (Mr. Lorenzo Berardinetti): Well, it's also the will of the Chair. So I think that it's quite clear—

Mr. Rick Bartolucci: Chair, do you need unanimous consent? I ask that question because I think I know the answer to it.

The Chair (Mr. Lorenzo Berardinetti): No, I don't need unanimous consent.

Mr. Rick Bartolucci: Can you ask them for some advice about that?

The Chair (Mr. Lorenzo Berardinetti): I did. I spoke to the committee Clerk, and I've also spoken to other members of the clerks' department. I have the right—if it's the will of the majority, which I think it is—to move on with the debate that was being discussed last agenda. I'm going to move on with the debate.

Ms. Damerla, I think you had the floor last time, and you were introducing a motion.

Miss Monique Taylor: Chair?

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor.

Miss Monique Taylor: Did we not take a 20-minute recess before the end of the last session, because we called the question?

The Chair (Mr. Lorenzo Berardinetti): Yes, that—

Miss Monique Taylor: There have been so many sessions on this. I'm kind of confused.

The Chair (Mr. Lorenzo Berardinetti): Yes, well, let's—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): One second. Let's hear her motion again.

Ms. Dipika Damerla: Did you want me to just read the motion out?

The Chair (Mr. Lorenzo Berardinetti): Yes, please.

Ms. Dipika Damerla: I believe, Chair, that I don't have a copy of that motion handy—

Miss Monique Taylor: Really?

Ms. Dipika Damerla: No, but we'll get it to you in a minute.

Interjection.

Ms. Dipika Damerla: Actually, no, we do.

The Chair (Mr. Lorenzo Berardinetti): All right. Just for everybody's information, you have a package in front of you, and the motion is in that package.

Ms. Dipika Damerla: Okay. Chair, I am just going to read our amendment. I move that “and the Ministry of Transportation” be struck from the motion, and replaced with “and only documents that pertain to Metrolinx within the Ministry of Transportation.”

Mr. Rosario Marchese: Sorry, is that—do we have a copy of that?

Mr. Rick Bartolucci: It's attached.

Ms. Dipika Damerla: It's attached.

Mr. Rick Bartolucci: It's the last page of your agenda.

The Chair (Mr. Lorenzo Berardinetti): Okay. Any further debate? It's on the very last page of the package.

Mr. Jeff Yurek: Chair, I move that the question now be put.

The Chair (Mr. Lorenzo Berardinetti): All right. Mr. Yurek has put forward that the question now be put. In my opinion as Chair of this committee, there has been enough debate on this motion, and I am going to allow the question to be put.

All those in favour of Mr. Marchese's motion as amended?

Mr. Rosario Marchese: No, it's the amendment.

The Chair (Mr. Lorenzo Berardinetti): My apologies. It's just a bit technical here.

All those in favour that the question be put, as moved by Mr. Yurek?

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Yes, but I was just told that we have to take a vote.

Those against putting the question?

Ms. Dipika Damerla: Chair, we're ready to vote, but I did want to correct the record.

The Chair (Mr. Lorenzo Berardinetti): No. We're in the middle of a vote.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Yes, I've asked that. All those in favour of the question? All those against?

Ms. Dipika Damerla: It's on the amendment?

Mr. Rosario Marchese: It's on the question being put.

The Chair (Mr. Lorenzo Berardinetti): That the question be put. All those in favour of that? All those against that? Okay. That carried, that the question now be put.

Shall Mr. Marchese's motion, as amended—

Mr. Jeff Yurek: It hasn't been amended yet.

Mr. Rosario Marchese: But we're voting on this amendment at the moment, Mr. Chair.

The Chair (Mr. Lorenzo Berardinetti): The entire motion—the original motion, Mr. Marchese's motion, as amended: All those in favour? Opposed? Mr. Marchese's motion, as amended, has carried.

Can we move on now to the—

Mr. Rosario Marchese: Yes.

INTENDED APPOINTMENTS

MR. MICHAEL GALLAGHER

Review of intended appointment, selected by official opposition party: Michael Gallagher, intended appointee as member, Workplace Safety and Insurance Board.

The Chair (Mr. Lorenzo Berardinetti): Okay. We're moving on now to the selection of the official

opposition, Mr. Michael Gallagher. Mr. Gallagher, can you please come forward.

Miss Monique Taylor: See? Wasn't that easy? Good morning, Mr. Gallagher. How are you?

Mr. Michael Gallagher: Good morning. Beautiful day.

The Chair (Mr. Lorenzo Berardinetti): All right. Mr. Gallagher, just to explain to you, you can speak as long as you want, up to—after 10 minutes, we rotate and the three parties can ask you questions. If you want to go forward, the Clerk will keep time, and you can speak for up to 10 minutes, so please go ahead. Any time that you speak will be subtracted from the government side. Please proceed, and good morning.

Mr. Michael Gallagher: Good morning, Chair Berardinetti, and members of the committee. Thank you very much for the opportunity to appear before you. It's a great privilege to be here before you to speak to my intended appointment to the WSIB. I'm not concerned about the delay, as I understand that the business of the government is very important and I respect the process that you have to undertake to do the government's business.

I would like to explain as briefly as possible—because you have, I believe, my CV in front of you—to give you as much time for questions as possible, why I'm qualified to serve on the board of the WSIB.

I have been a labour leader in the Ontario construction industry for 18 years. I've been elected five consecutive times to the top position of my organization. Operating Engineers Local 793 is a provincial organization but also encompasses parts of Nunavut.

I sit on three boards of the union. We have a \$1.8-billion pension fund and we also manage a training trust fund and a health and welfare fund. Those are all jointly trustee with management and labour, and I understand the requirements of working on a trust and the fiduciary responsibility that's involved when managing the money of our members who contribute. I believe that my experience on these boards certainly will help me with respect to the contribution that I would like to be able to make to the WSIB.

I understand that the board of the WSIB has quite a challenge before it with respect to the unfunded liability, which I believe was at about 50% with respect to that fund, although there has been some progress made by the board, and I commend the chair, Elizabeth Witmer, for spearheading that change. I understand that the unfunded liability was reduced by \$2 billion, from \$12 billion to \$10 billion, in just over a year. I think that good work needs to be continued, although there are a number of challenges that are before it.

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When I was first elected to the manager of the operating engineers, I had been the labour relations manager for the local for a number of years. I first started working for the union in 1987 as a business agent, for which I travelled all over the province representing members. I was

selected within my organization and promoted to the position of labour relations manager.

In about the mid-1990s, our local had run into some financial difficulties because of the economy of the time and we entered into a period of international supervision, following which I was elected as the business manager, following supervision.

I understand the challenges of an organization that is in financially difficult times. I was able to manage our organization over the next 18 years, to oversee its growth almost double the members we had when I was taking over. We currently have 13,000 members out there.

I also understood the challenges that face trustees with respect to pension funds. As we all know, in 2001 and 2008, pension funds right across North America became quite challenged, including our own, because of the turmoil in the markets. Despite that, we've been able to manage the liabilities on that plan so that we have not had to reduce the benefits that are paid out to the members and reduce the solvency issue with respect to that plan.

Last year, in 2013, I received the great honour of being awarded the Roy A. Phinmore Award, which is the highest award given in the construction industry for health and safety. I know there were probably many others who could and should have been recognized as well, but I found it to be a great privilege to receive that honour.

I have always worked very hard on behalf of the members on issues of health and safety, and the construction industry is one area where we have to be particularly attuned to the challenges that that sector provides.

I believe that my experience in construction—I do not believe that there is anybody on the board right now representing labour who can speak to the specific challenges that exist within the construction industry because of the high mobility and seasonal nature of the work. So I believe that I will be able to bring that perspective as an individual who started work in construction when I was 16 years old, working in the utilities sector, moving on to the heavy road and sewer and water main construction. I have worked right across this country, including building highways in Alberta in camp jobs. I do know what takes place in the construction industry, and I know the risks that are involved with respect to workers.

I'm encouraged by the current enthusiasm or determination of the chair of the board on the issue of prevention. Most recently, Elizabeth Witmer, chair of the board, appeared at the IHSA, which is the successor to the Construction Safety Association of Ontario, a body that I was chair of for one year in 1994-95. I found it quite interesting that when Elizabeth Witmer appeared before the IHSA to the construction industry, she talked about youth at risk and initiatives that are taking place on prevention and working with the chief prevention officer, George Gritziotis, to reduce accidents in the first place so that they don't come before the board, and I certainly would be in a position to support that.

With our own organization, the operating engineers, we became a compulsory trade in 1978. In fact, we were the last compulsory trade to be declared under a Conservative Bill Davis government. The minister of training at that time was Bette Stephenson, I believe—and education. That decision was very, very wise because we are now world leaders in Ontario in terms of training heavy equipment and crane operators. We're recognized around the world. It used to be that a crane-related death due to operator error happened every 11 weeks in the province of Ontario—

The Chair (Mr. Lorenzo Berardinetti): Mr. Gallagher, you have about a minute left.

Mr. Michael Gallagher: Yes—now, that has been reduced by about 80%. That's because of investment in training. I believe that type of experience can be applied in other sectors of the construction industry.

I am running out of time and I don't want to take away any time from the government or the members of this committee to afford themselves the opportunity to ask me any questions about my experience. So at this point, I'd like to wind up and afford the members of the committee the opportunity to question me on my qualifications.

The Chair (Mr. Lorenzo Berardinetti): Okay. Last time we did an appointment, the Conservatives went first, so the third party goes first for questioning—up to 10 minutes.

Miss Monique Taylor: Ten minutes?

The Chair (Mr. Lorenzo Berardinetti): You have up to 10 minutes. Yes, Miss Taylor.

Miss Monique Taylor: Thanks, Chair. Thanks, Mr. Gallagher, for being here with us today. Again, I apologize, but you know what? You were a really good strong-arm and helped us push that through. Thanks for sticking it out and for being here with us today.

I'm quite interested in the fact that you come from labour; you come from a unionized environment. You know the importance of WSIB coverage. In Mr. Arthurs's report, it said that employers that are not covered are getting a free ride because they do not contribute to the health and safety functions of the WSIB and the ministry. What are your thoughts on that, on having a broad coverage of workers across the province paying into WSIB?

Mr. Michael Gallagher: I believe that's the direction that the government has gone in with the WSIB, where the independent operators were recently included with the exception of home renovation, which I think was still excluded. But that, according to the numbers I heard from the paperwork that I had looked at from Elizabeth Witmer, has added 90,000 more covered individuals by covering the independent operators.

Personally, I think that that is a good move. I believe that the more people who are covered, the more affordable it is for all of the participants in the industry. I believe that was supported by the unionized construction industry as well. I think that's moving in the right direction.

Miss Monique Taylor: Okay, so that's the construction industry, but we still have so many sectors across this province that are not, to my knowledge, being covered. We've heard from developmental service workers who are not covered under WSIB, and they're really at severe risk in different circumstances. What are your thoughts on that?

Mr. Michael Gallagher: Construction is my area of expertise. I can't claim to understand the service industry. But if you follow the logic of it I believe what I've been saying is that the more coverage, the better. There are always going to be circumstances where it's inappropriate for somebody to be covered because they are perhaps a CEO of a company or are not at the same risk. But I do believe, generally speaking, that the more coverage there is, the better it is for the board and for all payers.

Miss Monique Taylor: I'm happy to hear you say that. I hope that you use your ability of sitting on this board to push that state forward.

I'm looking at the financial update that we received from research. It said that there was an operating surplus in 2011-12 because—the improved figures are due to the new medical strategy and return-to-work programs. That, to me, is very troubling because I know in my constituency office back in Hamilton, I'm hearing from folks who should be getting WSIB and they were not getting WSIB because new overseeing doctors were speaking over what their family doctors had been saying for years. Now we're finding that people are being cut off under different circumstances. They're not getting the medications they used to get. They're not getting the treatment they used to get. This is more injury to an injured worker. What are your thoughts on this?

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Mr. Michael Gallagher: Well, again, speaking with regard to our own experience, my organization has a department that is well populated with staff to handle appeals and applications of members for WSIB. One of the biggest changes that has been made that I think is positive and that we support as an organization is the worker reintegration project, which is to assist workers to return to the workplace with their previous employer without a loss in any wages.

In construction, which I can speak best to, it has been a little bit of a challenge for us to get them back to their previous employer after the six-month mandatory period expires, so then we end up—there's a lot of acronyms, it seems, in WSIB. We end up in the SO department, which is suitable other type of occupation.

I'm in favour of making sure there are no gaps and no workers end up not getting the coverage they should otherwise have, and also that careful calculations are made for widows, for example. After a worker has passed away, if there's a recalculation that ends up having them lower the amount of money they receive, I think that's very troubling, especially when you look at things like mesothelioma, an occupational disease which has a latency period of 20 years or more. That worker might

have been actually working their last number of years when they were sick, so I think that has to be considered.

Miss Monique Taylor: On the return to work, do you think that the WSIB board should have the right to overrule a doctor's—what's the word?

Mr. Rosario Marchese: Assessment.

Miss Monique Taylor: Assessment. Thank you.

Mr. Michael Gallagher: I understand that, first off, it goes through the WSIAT, which is another panel that considers the appeals at some point. They must get the advice from their own doctor-practitioners and whatnot on any particular case.

I think the job of the board is to ensure that the system is well managed and that the coverage is complete for people who are injured or become sick.

Miss Monique Taylor: I'll just say thank you for your time today. I appreciate the fact that you come from a union background and that you know the plight that injured workers in this province feel. I hope you will use that to the advantage of injured workers in this province because we know they've definitely been feeling the brunt of the misuse, I think, of WSIB funds, and that has put us in the deficit that they're in. So thank you.

Mr. Michael Gallagher: Thank you very much. Should I be fortunate enough to receive the appointment, I will do my very best.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Since you spoke for 10 minutes, the rotation will—that consumes the opportunity for the Liberals to ask questions, and we then move for 10 minutes—

Mr. Rick Bartolucci: The only thing we want to say is that we certainly support this appointment and we thank you for your years of experience that you're bringing to the WSIB, especially so that it's going to reflect the unique challenges of the construction industry. If the appointment goes through, we just want to say thank you for the effort you'll expel.

Mr. Michael Gallagher: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much. We'll move to the official opposition: Mr. Yurek.

Mr. Jeff Yurek: Thank you, Chair. Thanks, Mr. Gallagher, for coming out today. Just a few questions to ask. It's obvious that we're not on the same page with regard to WSIB and Bill 119, which causes the independent contractors and owners to pay into the WSIB. We're not on the same page, and now these employer groups or the owners themselves no longer have the option of going to their own private insurance to get better coverage than they do with the WSIB.

I just want to know how you're going to make sure that the WSIB becomes a place where people who are entitled to benefits do get a fair and transparent process and it's quick and very effective. How are you going to deal with that now that we have people on WSIB who really have no choice but to be there?

Mr. Michael Gallagher: Well, should I be appointed to the board, I'll be one board member bringing my own experience to bear, through all my adult life in the con-

struction industry. The board obviously has some challenges before it. One of the biggest challenges is the unfunded liability, I think, which is at 50%, but they have reduced it by \$2 billion in the last couple of years.

I know that the construction industry anyway, and COCA, for example, had taken the position, I believe, that they were expecting a larger increase to the rate premiums than what actually occurred. The rate increases were, I think, 2.5% and 2% in 2011-12, 2012-13, and then in 2014 there was a rate freeze, I believe.

I would be working with the committee to find the solutions to deal with the unfunded liability, but at the same time to make sure—I think everybody is on the same page with wanting to make sure that the compensation system survives.

In the Harry Arthurs report, he had mentioned that at 50% funded, it was at a tipping point, in terms of the compensation system, so I don't think there's anyone who wants that tipping point to go the wrong way. So they have to continue the work laid out in the Harry Arthurs report, and I believe there was another report, the Douglas Stanley report, that came up afterwards, and it really talked about that the rate system itself has to be looked at. There are 156 rate groups, and perhaps there are too many.

In the last 15 years, coming out of the Harry Arthurs report, it said that there was \$2.5 billion—so going back to around 1995—that was given back in rebates to employers, versus surcharges. I don't think that that's really appropriate at a time when there's an unfunded liability, so I think that whole issue of the rate groupings has to be looked at.

Even speaking from the employers' side that I've talked to, what they want is certainty. In the construction industry, for example, when you're bidding on a job, you need to know exactly what it is that you have to pay the workers, what all your costs are and everything else, when you're putting in a bid on the job. It's not helpful to know that you might have a rate swing of 35% between a surcharge or a rebate. So I believe that there is some work that still needs to be done there.

Mr. Jeff Yurek: Further to your response to the third party with regard to mandatory WSIB coverage for, basically, owners and independent contractors, are you in favour of expanding that outside of the construction industry into other industries throughout the province?

Mr. Michael Gallagher: I would have to really say that that's not my area of expertise and that I would have to go with an open mind. But, having said that, in the construction industry—I was on the board of the Ontario Construction Secretariat, and we found that the underground economy was about \$2 billion a year in the residential sector, and I think they have somewhat left that, even with some of the changes, by leaving home renovation excluded. And now you have also, I think they call them temporary employment agencies which are out there. They're sometimes given more at-risk types of work, it came out in the report. So I don't think we want to off-load those employer responsibilities.

It's something I think I would have to keep an open mind about and get up to speed on and understand a little bit better when it's outside of construction.

Mr. Jeff Yurek: Okay. You're talking about home renovation, but I'm talking about your average pharmacy owner, your mom-and-pop convenience store owner. Are you for expanding it into that type of operation, the small business of Ontario?

Mr. Michael Gallagher: I understand what you're saying, but personally I believe that the more payers there are, the better it is for everybody who is part of the system. Otherwise, the burden is unfairly put on one sector, one industry or one group of people. So if there is a cost that happens, there has to be some coverage for people if they do get injured or something happens to them so that they're not free riders.

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Mr. Jeff Yurek: However, if they're not paying into the system, they can't get access to WSIB; therefore, they wouldn't be free riders. Right?

Mr. Michael Gallagher: Somebody is going to have to pay society in some way or another for the person who has become ill or sick or injured.

Mr. Jeff Yurek: Most people carry their own private insurance. They're paying into a system where they wouldn't be the free riders, because they would—

Mr. Michael Gallagher: I understand what you're saying, but I also believe that the best system is the government system.

Mr. Jeff Yurek: Do you have any questions, Doug?

Mr. Douglas C. Holyday: How long do I have?

The Chair (Mr. Lorenzo Berardinetti): Right now you have about three minutes and 40 seconds.

Mr. Jeff Yurek: Doug will have it.

Mr. Douglas C. Holyday: I have a couple of questions. WSIB premiums are a significant component of the cost of labour, and bringing them down is an essential part of attracting jobs to Ontario. What priority level would you assign to premium reduction, among other policy objectives?

Mr. Michael Gallagher: I don't believe that premium reduction can really occur until after the unfunded liability is dealt with completely. When you're at 50% unfunded liability, it's not appropriate, in my judgment, to be reducing premiums.

Speaking, again, about construction, right now we're going through the most sustained period of economic activity and growth that we've had in a very long time: almost full employment with many, many trades. I believe that that would be the time to ensure the financial well-being and health of the WSIB. Naturally, though, we want to have a cost-effective system, so I don't think that premiums should be increased gratuitously. They need to be maintained in order to keep the competitiveness of the employers out there bidding on work.

Mr. Douglas C. Holyday: Do you think that an educational component or some method of trying to reduce injuries in the workplace might lead to premium reduction and we might be able to actually meet a couple of goals?

Mr. Michael Gallagher: Thank you for your question. I do believe that the board is in the right direction with respect to that right now. They've already seen that some costs have initially been lowered as a result of work reintegration and returning workers to work as quickly as possible. I believe that prevention is another part of that. I feel very, very strongly about prevention and I think that training, in the experience we've had, is the best way to eliminate errors happening. In our trade, operator error was reduced by 80% by having compulsory certification and mandatory training.

My experience in construction is that young workers are the most vulnerable, because when they go out on the job, they're most eager to please and they sometimes get themselves into trouble.

Mr. Douglas C. Holyday: Thank you very much. My last question: Since 2007, the local, of which you've been the business manager, has given in excess of \$53,000 to either the Liberal party or Liberal leadership candidates. Can you verify that or is that inaccurate?

Mr. Michael Gallagher: It might be low. To be honest with you, we do participate in the political system, as employers do, and we always make sure that any donations that we make are within the provincial election rules. I wouldn't desire to go over that.

Mr. Douglas C. Holyday: Thanks very much.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Holyday. That now ends the time for questioning. Mr. Gallagher, that concludes the time allocated for this interview. Thank you very much. You may step down.

Mr. Michael Gallagher: Thank you very much to all parties that questioned me as well.

The Chair (Mr. Lorenzo Berardinetti): We'll now consider the concurrence for Michael Gallagher, nominated as member, Workplace Safety and Insurance Board. Will someone please move concurrence?

Mr. Rick Bartolucci: I move concurrence in the intended appointment of Michael Gallagher, nominated as member of the Workplace Safety and Insurance Board.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any discussion? None? All in favour? Opposed? The motion is carried.

Miss Monique Taylor: Chair?

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor, I had Ms. Damerla down just a moment ago, but go ahead.

Miss Monique Taylor: I move that the Standing Committee on Government Agencies request from Metrolinx and the Ministry of Transportation the production of all documents related to Metrolinx advertising between January 1, 2012, and March 18, 2014; and that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable format.

The Chair (Mr. Lorenzo Berardinetti): Are you just reading the second motion?

Miss Monique Taylor: I'm putting forward this motion.

Mr. Rick Bartolucci: Is this a new motion?

Miss Monique Taylor: Yes.

The Chair (Mr. Lorenzo Berardinetti): It is. The only thing is, the motion that I have in front of me that was filed by Mr. Marchese—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Oh, okay. That's fine.

Do you have copies of that motion?

Miss Monique Taylor: Yes, I do. I'm prepared, Chair.

The Chair (Mr. Lorenzo Berardinetti): Then we'll got to you next.

Ms. Dipika Damerla: Actually, the order that you called us in would have made a big difference, because I'd like to call adjournment of the meeting.

Mr. Jeff Yurek: Quit questioning the Chair.

Mr. Rick Bartolucci: You guys did it all morning.

Ms. Dipika Damerla: No, I just want to call adjournment.

The Chair (Mr. Lorenzo Berardinetti): Can you please say that again?

Ms. Dipika Damerla: Chair, I just said that I had asked for recognition first because I wanted to call for adjournment, but now I don't know if you can entertain that.

The Chair (Mr. Lorenzo Berardinetti): This committee usually goes till 10:25, so there are about seven minutes left—

Mr. Rick Bartolucci: We haven't seen the motion—

The Chair (Mr. Lorenzo Berardinetti): It's being distributed right now.

Mr. Rick Bartolucci: —so can I ask for a recess, then?

The Chair (Mr. Lorenzo Berardinetti): Let's first distribute the motion.

I just want to remind members that it goes till 10:25. My watch is about 10:16 right now, so we still have about nine minutes left in this meeting. I want to make sure everyone reads the motion.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Okay. Mr. Bartolucci has moved adjournment of this meeting.

Mr. Rick Bartolucci: No.

Mr. Rosario Marchese: Adjournment or a recess?

The Chair (Mr. Lorenzo Berardinetti): I'm sorry. Ms. Damerla has moved adjournment of this meeting. I'll just call a vote. All those in favour of adjournment? Opposed? That motion does not carry.

Miss Taylor, did you want to speak on anything else?

Mr. Rick Bartolucci: I asked for a recess so we can spend some time talking about this. Is that in order?

The Chair (Mr. Lorenzo Berardinetti): It's in order, but is there agreement for a recess?

Mr. Rosario Marchese: Actually, normally when they ask for a recess, you usually grant it.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Is there agreement? Okay. That carries. We're recessed, and we'd actually be adjourning, then.

Thank you very much. This meeting is adjourned.

The committee adjourned at 1018.

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A-22

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 1 April 2014

Journal des débats (Hansard)

Mardi 1^{er} avril 2014

Standing Committee on Government Agencies

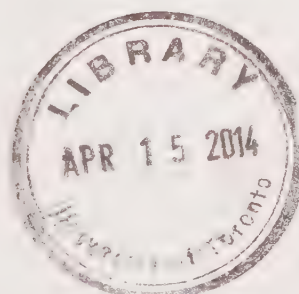
Agency review: Metrolinx

Intended appointments

Comité permanent des organismes gouvernementaux

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 1 April 2014

Mardi 1^{er} avril 2014*The committee met at 0904 in committee room 1.*

AGENCY REVIEW: METROLINX

The Chair (Mr. Lorenzo Berardinetti): Good morning, everybody, and welcome to the Standing Committee on Government Agencies. When we adjourned last week, the committee was considering a motion put forward by Miss Taylor, and that's our first item on the agenda. I've asked the Clerk to, again, schedule just one intended appointment today, and I ask for the committee's co-operation in dealing with our agenda. Would the committee agree to first consider the intended appointment, then to vote, in the remainder of the time, on the motion by Miss Taylor? Miss Taylor.

Miss Monique Taylor: No, Chair. I would like to move ahead with the motion that's before us, and then we'll go ahead with the appointment, just as the agenda set out.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? All right. Let's try to co-operate with the motion and get through it. There's just one appointment here today.

The committee has two mandates: to conduct agency reviews and to consider intended appointments to those agencies. What we'll do is debate the motion and, if we can get it completed, hopefully today, then consider the appointment.

I just wanted to have someone move the report of the subcommittee on committee business dated Thursday, March 27, 2014. Miss Taylor?

Miss Monique Taylor: I move adoption of the subcommittee report on intended appointments dated Thursday, March 27, 2014.

The Chair (Mr. Lorenzo Berardinetti): All right. Any discussion? All those in favour? Opposed? Carried.

Now we'll move back to the motion by Miss Taylor. Did you want to read it one more time? We all have a copy in front of us.

Miss Monique Taylor: Sure, Chair. I move that the Standing Committee on Government Agencies request from Metrolinx and the Ministry of Transportation the production of all documents related to Metrolinx advertising between January 1, 2012, and March 18, 2014; and that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable format.

The Chair (Mr. Lorenzo Berardinetti): Did you want to speak to the motion?

Miss Monique Taylor: Yes, thank you, Chair. There have definitely been a few days for the committee to look at this, to see the value of these documents coming forward. I'm hopeful that the government, being the Liberals, would not filibuster this motion, and allow it to pass in a timely fashion so that we can move on with the further business of this committee.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion on the motion from Miss Taylor? Ms. Hunter.

Ms. Mitzie Hunter: Mr. Chair, I would like to suggest a friendly amendment to the motion. To provide for the opportunity for the agency to gather the required information, I suggest moving it from 30 to 45 days. I believe that this is a reasonable request and that this would allow for us to gather the required documents so that it is productive for this committee once we receive that information. I would like to suggest that amendment to this motion.

The Chair (Mr. Lorenzo Berardinetti): All right. Any further debate? Mr. Marchese.

Mr. Rosario Marchese: Mr. Chair, this issue has been in the media for quite some time. We believe that Metrolinx is ready to bring forth these documents. They do not need another 15 days. We are repeating the same problem as we did before. For some bizarre reason, the government members believe that a 30-day timeline is not correct, not adequate, and that they need to give more time. It has been in the media for quite some time. They are prepared, in my view, to bring forth these documents, and I think that 30 days is more than adequate.

The Chair (Mr. Lorenzo Berardinetti): So we have the amendment by Ms. Hunter. Any further discussion on it? None? All right, then we'll do the amendment put forward by Ms. Hunter first. All those in favour of that amendment? Opposed? That does not carry.

We'll move to the motion that Miss Taylor has put forward. All in favour of the motion? Opposed? The motion carries. That's done.

0910

Miss Monique Taylor: Chair?

The Chair (Mr. Lorenzo Berardinetti): Yes, Ms. Taylor?

Miss Monique Taylor: I have another motion to put forward. I move that the Standing Committee on Government Agencies request from Metrolinx and the

Ministry of Transportation the production of all documents related to the expenses of all Metrolinx board of directors and executive members between January 1, 2012, and March 18, 2014; and that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable format.

The Chair (Mr. Lorenzo Berardinetti): Ms. Taylor, do you have copies of the motion?

Miss Monique Taylor: I do, Chair.

The Chair (Mr. Lorenzo Berardinetti): As the committee Clerk is distributing copies of that motion, I wonder if I could ask the committee's permission that we get through this appointment today, and then after the appointment is done—the consideration of the appointment here—we move back to this motion. Is that fair?

Miss Monique Taylor: Yes, we're fine with that, Chair.

The Chair (Mr. Lorenzo Berardinetti): All right. Any further discussion? All those in favour of doing the appointment now? Yes, Ms. Damerla?

Ms. Dipika Damerla: Chair, I know that you want to move on to the selection of delegates—Joe Vaccaro—but I was just going to ask a quick question. A motion has been put on the floor. Can we get some time to look at it before we move on to the next business? Can we get a recess?

The Chair (Mr. Lorenzo Berardinetti): You—
Interjections.

Ms. Dipika Damerla: Yes, 15 to 20 minutes. A new motion has been put on the floor and we'd like time to—
Interjection.

The Chair (Mr. Lorenzo Berardinetti): Hang on. Mr. Marchese?

Mr. Rosario Marchese: So do you want to deal with the appointment first and then make your request after that?

Ms. Dipika Damerla: I just want to make sure that I will get that time because I will not have the time while we are questioning Mr. Vaccaro.

The Chair (Mr. Lorenzo Berardinetti): All right. Sorry, Mr. Marchese?

Mr. Rosario Marchese: No, I was just recommending to MPP Damerla that we could listen to the witness who is here, review that, get that done and then come back to her request, which I think will allow her the opportunity to ask for a recess, if that's what she wants.

The Chair (Mr. Lorenzo Berardinetti): Okay. Do we have agreement by the committee to do that? All those in favour? Opposed? That carries.

INTENDED APPOINTMENTS

MR. JOE VACCARO

Review of intended appointment, selected by third party: Joe Vaccaro, intended appointee as member, Species at Risk Program Advisory Committee.

The Chair (Mr. Lorenzo Berardinetti): We'll do the appointment review. The member that's present today is Mr. Joe Vaccaro.

Mr. Vaccaro, if you want to come forward and just take a seat at the table. I'll just go through the rules with you of what's going to happen. You could begin with a brief statement, if you wish. Members of each party will then have 10 minutes to ask you questions. Any time used for your statement will be deducted from the government's time for questions. The questioning this time will start with the government. If you have a statement and you want to speak a little bit, we'll keep an eye on the time and then we'll just rotate from the three parties, if they have any questions which they may wish to ask you.

Welcome to the committee, and please go ahead.

Mr. Joe Vaccaro: Good morning, and thank you for this opportunity to present myself to this legislative committee. I respect the legislative process that appointments require and welcome the opportunity to express my interest and qualifications—

The Chair (Mr. Lorenzo Berardinetti): Mr. Vaccaro, sorry, I don't mean to interrupt—a little bit louder. I'm just having trouble hearing you.

Mr. Joe Vaccaro: No problem.

Good morning, and thank you for this opportunity to present myself to this legislative committee. I respect the legislative process that appointments require and welcome the opportunity to express my interest and qualifications to serve on the Species at Risk Program Advisory Committee.

This committee makes recommendations to the Minister of Natural Resources about matters relating to the implementation of the province's Species at Risk Program. Its focus includes: the development of policy to support the implementation of the act; incentive and stewardship programs; best management practices; public education outreach programs; recovery strategies and management plans; the assembly of scientific information, including community knowledge and aboriginal traditional knowledge, that should be given to the Committee on the Status of Species at Risk in Ontario to assist in the classification of species; the role of agreements and permits under this act in assisting in the protection and recovery of species; approaches in the classification of species; and approaches that may be used under this act to promote sustainable social, economic activities that assist in the protection of recovery of species.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry, Mr. Vaccaro. I don't mean to be jumping in all the time, but if you could just slow down a bit and speak a bit louder because I'm trying my best to hear you.

Mr. Joe Vaccaro: Sure.

Its membership draws on various experts with relevant knowledge about resource use, land use or environmental sectors.

For the benefit of this legislative committee, I would note that the committee is currently constituted with a number of association-based members, such as myself. I

believe that drawing from this professional and expert group of individuals does support the function described above, as the role of this committee is to inform and support the implementation of the Endangered Species Act and the work of the scientific group, the Committee on the Status of Species at Risk in Ontario.

Since I left Queen's Park nine years ago, I have had the privilege to work with the Ontario Home Builders' Association and the greater Toronto area affiliate the Building Industry and Land Development Association, BILD. The opportunity to advance in the position of director of policy, to VP of policy and government relations, to my current title as CEO has provided me the opportunity to work under a variety of legislative, regulatory and policy items that impact the industry, but also to work within a framework that encourages research and evidence-based policy and decision-making. I would also add that, as a provincial organization, I have had the opportunity to understand the impact of provincial legislation and policy across the entire province, and with that, an understanding of how important it is to take into account how a policy decision at Queen's Park has to be implemented in Sudbury, Windsor and Toronto.

I would like to outline a few items regarding my qualifications for this possible appointment. Let me begin with my ongoing work with the Ontario Biodiversity Council. The council is composed of volunteer members who are to guide the implementation of Ontario's Biodiversity Strategy and to: involve the public, aboriginal peoples and a wide range of stakeholders in identifying a set of annual implementation priorities; coordinate implementation planning in association with other groups; evaluate progress and report on implementation annually; and lead the five-year review of the strategy and its implementation.

Working with various groups around the biodiversity council table, we have been focused on working together to implement the broader strategy and connecting our various constituencies with that broader strategy, to the benefit of Ontario. I believe I have benefited from the experience with the council, sharing information, industry experiences and outlining implementation approaches as we remain focused on the strategy, looking for opportunities to strengthen Ontario's biodiversity.

Specific to the Endangered Species Act and through my work with the Ontario Home Builders' Association, I have been an active stakeholder in highlighting some of the implementation challenges the legislation has presented to the building and development industry. I continue to support the principle and need for a strong Endangered Species Act, but the challenges are always around the issue of implementation. I believe that through my experience and work in land use, building and development industry issues, I have earned a strong understanding of how legislation, regulation and implementation need to work together to achieve the stated outcome.

Through my association work, both at the Ontario Home Builders' Association and BILD, I have worked

professionally with the chair of this committee, again with a focus in improving implementation and identifying future opportunities regarding the ESA, and he has been kind enough to serve as a reference.

If you visit the MNR website regarding the ESA, an entire section is dedicated to planners, developers and resource professionals. I have a working understanding of the land use approvals process, the development approvals system and the role of Ontario's public planning process to coordinate and reconcile a number of legislative, regulatory and policy objectives to deliver an outcome in the public interest. I believe my knowledge and experience in working policy areas of land use permitting will benefit the committee and will support the work of the committee members as we identify common issues and, more importantly, common opportunities and solutions.

I look forward to serving on this committee, as I believe I bring an approach that will serve to support the stated committee function of developing and delivering incentive programs and stewardship programs, along with the best practice approach. In my experience, it is these two concepts that best serve to support and improve implementation of any legislation. In fact, in my work at Queen's Park at various legislative committees, in my interaction with members of provincial Parliament from all three parties, it has been a consistent theme of my approach to establish the research base and evidence that support the policy initiative, along with identifying the necessary implementation approach to bring the public policy outcome forward. As we all say, the details matter when it comes to public policy. The details and implementation really serve to bring forward the best outcome.

0920

Let me also state for the benefit of this committee that I am not a landowner—except for my home in Etobicoke, obviously—I am not a developer, nor do I have any material interest in any development projects.

Recognizing that it is April 1, I will end by thanking you all for the opportunity to present myself for this opportunity and welcome the first of many April Fool's references that I am sure will come forward. Thank you for that.

The Chair (Mr. Lorenzo Berardinetti): Thank you very much, Mr. Vaccaro. You've spoken for almost four minutes, so we'll give six minutes to—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Oh, I'm sorry. Actually, the Liberals will have four minutes, then we'll rotate to the other two parties. Are there any questions from the Liberal Party? Ms. Damerla first, then Ms. Hunter.

Ms. Dipika Damerla: Thank you, Mr. Vaccaro, for coming down this morning and for that great presentation. I just had a question. This is the Species at Risk Program. I know that you're part of the Ontario land developers—

Mr. Joe Vaccaro: Ontario Home Builders.

Ms. Dipika Damerla: The Ontario Home Builders' Association. As suburbia creeps into more and more rural

areas, I know that sometimes, whether you're a farmer or you're a developer, there could be a clash of agendas in terms of, "We want to develop this piece of land, but on the other hand we want to protect this environment."

I'm just curious: When that sort of clash does happen, what would you do? What would your reaction be?

Mr. Joe Vaccaro: My personal view—and I'm speaking as an individual here, seeking an appointment to this committee, obviously—is that we should have a great deal of respect and trust for the public planning process.

The reality is that planning approvals require a public process. They require public meetings. They require studies, and municipal tests, in some cases, that have to go forward and be vetted by the public, municipal leadership and provincial leadership. The process involves a great deal of research. It also involves a great deal of planning and approval.

In that process, I would say that the first thing to remember is that the province has created a framework around Places to Grow where they've identified where development needs to go, how it should go and how we accommodate the population growth in Ontario. And we are still in a growth environment.

As you work through that process and the public process that comes with that, the reality is that there will be tensions, but it has always been my view that that public planning process provides the opportunity to—I won't say "negotiate"—resolve some of those issues with a series of remedies, and also in that way to bring forward what should ultimately be in the public interest.

Whether it's an expansion in rural Ontario or a condo development in downtown Toronto, there is a process there that engages everyone who wants to be engaged, but there is also a series of tests that have to be respected. For the most part, when you work through that process, you should arrive at a good outcome for everyone involved.

Ms. Dipika Damerla: Would you be able to give me any examples where tensions arose, as you mentioned, but they were resolved and you were part of that table?

Mr. Joe Vaccaro: Sure, I can give you some examples. When you think about a situation like—let's pick on Brampton for a second. Obviously, Brampton has been asked, as part of the legislative structure, to accommodate for planning growth through the provincial Places to Grow.

It's now incumbent on Brampton to determine not just a question of where you put the people, but also what kind of community they want to develop. What is the housing mix, as we refer to it? How many will be single-family homes? How many will be townhouses? How much of that will be intensification, condominium development?

It's also incumbent on them to look for where the infrastructure goes to support those pieces. There will always be tensions in terms of—

The Chair (Mr. Lorenzo Berardinetti): Sorry. Just to interrupt: There's less than 50 seconds to go, and then time will be—

Mr. Joe Vaccaro: Sure. It's always incumbent on the municipality to put that work together, but that work ultimately will be challenged. Whether it's challenged by private citizens, Brampton ratepayers, other developers, other conservation authorities or other groups, they have an opportunity through that public planning process to bring forward their vision. Then you work through a public process to determine, ultimately, the final outcome.

And so I think that in a place like Brampton, what we've seen is an expansion of the community, but it has to be done in a way that the community is comfortable with.

Ms. Dipika Damerla: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Okay, that's about it. We're down to one second. I'm sorry.

Ms. Mitzie Hunter: Can we have at least a few seconds?

The Chair (Mr. Lorenzo Berardinetti): We're down to three seconds.

Ms. Mitzie Hunter: I just want to remind that the aboriginal concern is also very important to this committee.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll move on now to the official opposition.

Mr. Jim McDonell: Thank you, Joe, for coming. You represent an organization that's one of the drivers of prosperity in Ontario: the Ontario Home Builders. We all know that development has a responsibility in line with municipal planning priorities. How would you describe the government's approach to planning and development and how it has evolved over the last decade? Has it become more interventionist, directing or influencing decisions, or has it left it more to the community to decide?

Mr. Joe Vaccaro: In my capacity at the Ontario Home Builders—it's important to go back in history and think about it. In 2000, we started a discussion about Smart Growth, and that discussion was about how communities should evolve and develop around infrastructure, with transportation being a key driver.

The reality is that now that I have had the opportunity to work and to meet with people from across Ontario—there has to be a recognition that communities are different. There are different levels of infrastructure, different levels of their own vision of how their community should grow.

The provincial framework has grown from a Smart Growth framework to a Places to Grow framework, and the province is much more engaged now in planning issues and providing guidance, if I can use that terminology, when it comes to municipal plans.

I would say that along with other ministries, including MNR, the Ministry of the Environment, and conservation authorities, there is an active group engaging, commenting and providing input and evidence as to how communities should grow and shape. There is a natural tension, obviously—or there is sometimes, at least—between municipalities and the provincial government in terms of their visions. But, again, I think the public planning process provides an opportunity to work your way through that, and there obviously are remedies, if

there is disagreement, to adjudicate and to discuss and to really test the planning principles behind any community.

I think the one thing I've really valued over my career here at the Ontario Home Builders is a real understanding of how communities engage on planning issues and that it's not one-size-fits-all. Communities have different visions as to how they want to grow and how they want to attract not just residents but also employment opportunities.

There is always that challenge where sometimes the province can be seen as being a great accelerator of opportunities, and sometimes the province is seen as being a barrier, but you have to work through that process.

Mr. Jim McDonell: In a recent presentation and prospectus of the Endangered Species Act, you referenced that the development process could take up to 10 years and that the bureaucracy can be frustrating. The committee that you're being appointed to duplicates some of the functions of COSSARO, the Committee on the Status of Species at Risk in Ontario. What have been the most frustrating aspects of the home building bureaucracy, and what would you do to reduce some of that?

Mr. Joe Vaccaro: In my work at the Ontario Home Builders, one of our consistent themes is around the issue of implementation but also respecting earned applications, earned permissions, earned approvals. I think one of the implementation challenges around this legislation, and many legislative pieces that come forward, is trying to reconcile what has already been granted as an approval to move forward and what is being asked of the applicant today.

There are a number of examples I could give you, but I'll give you an example in Brampton, where, as part of a development, a site was set aside for a future school. Over the course of eight years, as the community grew and the community finally got a population that triggered the need for that school, it became incumbent to go back to that parcel of land and determine exactly the uses.

Of course, the parcel had been farmed and, in that farming process, had established habitat for a species on the list. So now the challenge becomes that this area has already been identified as being a site for a future school. There's an expectation by the municipality and by the community at large, the new ratepayers in that area, that there will be a school there. How do we now reconcile a decision that we made six or seven years ago, to put a school there, with the requirements of this act? How do we get around that? Ultimately, that's the question. There's an expectation that the school will be built there, based on a past approval.

That's just a small example, but that's sort of the tip of the iceberg in terms of how we reconcile new legislation with past approvals. That's where I see that this committee and its work in the area of implementation, and talking about those situations and understanding those situations in advance, can provide some guidance to the minister.

0930

The list is the list, and you have to respect the list. The real question now is: How do we take the list and apply it

to the environment that we're working in and decisions that have been made?

I know, for example, that the decision in Windsor to do that work required a great deal of work around the Endangered Species Act. So again, how do you reconcile that? You've made the infrastructure commitment; you have plans to expand that highway for trade and a whole bunch of other reasons, but you have to also respect the legislation that's now in place and find a way around that and make it all work in a way that respects the list, respects the principles of the bill and the public policy outcomes they're driving towards. But the reality is that there is a series of approvals that have been granted. Implementation, really, is a process to try to reconcile some of those conflicts.

Mr. Jim McDonell: I see your education is in humanities and of course your experience in the home builders—what do you see yourself bringing to this committee as far as your background and education?

Mr. Joe Vaccaro: I think my educational background, with a real focus on political theory, part of that is, again, trying to understand where people are coming from—their perspectives on the issues—but also trying to reconcile that with the reality of the world we live in. That has been a constant in my approach, generally, on issues.

I'm a big believer in research and evidence. What are the facts? And then, more importantly, do we agree on the facts? Then trying to connect that to the broader discussion on the public policy outcome. I have a very strong working knowledge of the land use planning system. I've spent most of my teen years on a subdivision, framing homes with my father, so I have a very good understanding of what's happening in the field and that sort of relationship from that point of view as well.

I think what I will bring to this committee is a working knowledge of what the development industry is dealing with, not just in Toronto, which in the GTA area tends to take a lot of the focus, but also how does this play in a place like St. Thomas, Cornwall or Perth. How does that all work? Because there are different realities in those places.

That's what I'm hoping to bring to this committee: a working knowledge and a real desire to see this piece of legislation work and be implemented. It's a lot like the work I do on the Ontario Biodiversity Council, looking for opportunities to push forward the mandate, looking for volunteer leaders who are willing to put themselves forward and be interested in the stewardship programs to bring about those outcomes. I think it's connecting some of those dots, bringing in that practical knowledge, being a bit of a problem solver but really with a spirit of supporting the legislation in a way that we can all be proud of.

Mr. Jim McDonell: I know sometimes some of the worst cases always hit the news, but you see some projects that are delayed. I think there was one last year in Ottawa where, after six weeks of delays, they found out it was a different species than they thought it was.

Sometimes reason doesn't seem to appear front and centre. I go back to the Environmental Commissioner, in his first report that I heard when I was here, talking about looking at a species that really didn't belong here. It was endangered here but really because we were outside of its realm of habitat or on the very northern fringes.

I guess the point is: How do you see your impact in bringing some reasonableness to the whole situation? You really want to have some impact where you can, and where you can't, it's really acknowledging that and moving ahead.

Mr. Joe Vaccaro: Well, I think it will go to a practical understanding of the research of what do we actually—again, the list is the list, but there is criteria around that list. But the next part of that is, once we've identified that the species is endangered and once it's on that list, the next real piece of the work is: What are doing about the habitat protection? That's the real issue here, because ultimately a species that's on the list needs to be protected. There's no way around that.

If you're a landowner or a homeowner and you want to do some work on your property and you come across the turtle or whatever you may be dealing with that day, you have a responsibility, as clearly stated in the act, to ensure that that turtle is protected. The real next step is around the issue of habitat protection because now you are engaging in a discussion around how that works.

The Chair (Mr. Lorenzo Berardinetti): Excuse me, there's one minute left—

Mr. Joe Vaccaro: And I think my experience is in understanding the habitat designations and how that work really works, and reconcile that with the natural activities of farmers, landowners in rural communities and municipalities looking for infrastructure development. That seems to be, in my mind, the gap, and that's sort of the space that I work in today.

As for the actual list itself, we'll leave that to the scientists to work out. They have to work it out, and there is no doubt that there are species that make their way onto the list that are challenged, that some people will question if it's valid to be on that list or the classification on that list. I'm not really interested in challenging that. I'm interested in saying, "Once we've made that decision, how do we actually make it work in the real world?" Because that seems to me to be the broader challenge that we all have to work with.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Vaccaro. Time's up. We'll move on to the third party, Mr. Marchese.

Mr. Rosario Marchese: Good to see you, Joe. I've got a couple of tough questions for you. The researcher here, this good man right there, writes on page 3 of the research that we're given, "According to the Office of the Premier, the witness is a former chief operating officer of the Ontario Home Builders' Association and a former vice-president of policy and government relations with the" building industry. But what it doesn't include is the fact that you're currently the chief executive officer of the OHBA. That's wasn't included. And that is the case?

Mr. Joe Vaccaro: This is a recent appointment, yes. I was serving as chief operating officer, and I was recently promoted, if I can use that term, to CEO.

Mr. Rosario Marchese: So my point is, although you say you're not a developer, you represent the development industry as a lobbyist for the industry. Would you say that's a fair assessment?

Mr. Joe Vaccaro: I would say that my background is very similar to other backgrounds on the committee, and that is to serve as an association member. Yes, one of my primary responsibilities is to serve as an advocate for the industry, absolutely.

Mr. Rosario Marchese: According to the same research—where it talks about position requirements, it states that the applicant should have "good knowledge of concepts and techniques related to the protection and recovery of species at risk." Do you bring that to this advisory body?

Mr. Joe Vaccaro: In my work with the Ontario Home Builders and, more importantly, in my work around the Endangered Species Act, working on this file with MNR staff, I have come to have a very strong understanding of how those techniques work, including the need to avoid, when possible, in terms of once a species is identified and the habitat has been identified, all actions on the part of any development application, whether it's a municipality, a landowner, the province itself—the first act is always to avoid those areas. I also understand that one of the best techniques is that, if you cannot avoid, then it's important to not just establish an area where the habitat for that species can be protected, that it's also important to establish linkages, buffers.

It's also important to understand that the activities you surround that habitat with are important, because ultimately, as you leave that community—for example, if you leave that community and what you've done is you've built a high-density community around that habitat, what you really are inviting is an opportunity for those residents, whether they're aware of it or not, to potentially damage that habitat. What you've actually done is put that species at risk.

Mr. Rosario Marchese: Okay, Joe. Let me link the previous question to the following because this is an advisory body to the Minister of Natural Resources and the title of it is the Species at Risk Program Advisory Committee.

The Environmental Commissioner has raised some concerns in his report of July 1, 2013, where he says that the regulatory amendments have been changed on July 1, 2013, which created broad exemptions from the requirement of the act that government permission must be obtained prior to harming a species at risk and/or its habitat. While it doesn't make recommendations, that committee suggests that the Ministry of Natural Resources has failed to support the operation of the act by, among other things, delaying the habitat protection and stalling recovery strategies for endangered and threatened species. He alerts us to a problem here, which worries many of us.

Your appointment as a representative of the development industry worries us as well, because it doesn't

appear to be consistent with the objectives of this advisory board and does not appear to be consistent with what the Environmental Commissioner is speaking of. Your appointment, in this regard, makes me nervous. Do you have a comment about what the Environmental Commissioner has talked about or a comment about the amendments weakening the act, and how you fit into that?

0940

Mr. Joe Vaccaro: I will happily make a comment. I'm presenting myself for this appointment. Again, as I look at the other members of this advisory committee, I see that many of them serve in a role with an association. I think that's a great place to pull experts who have a broad understanding of how legislation and policy need to work together.

I would also note that in one of the earlier structures around this committee, there was a representative from the Building Industry and Land Development Association as well, again because of that expertise.

I think that what the Environmental Commissioner is speaking to is the challenge of implementation. It is the challenge of bringing forward legislation and putting it in place, and then having to understand what has already been determined and decided, and how you actually make those two pieces work. It is the challenge of implementation with any act as you move forward. I would say that the commissioner's concerns, as he has stated, really speak to the issue of the disconnect between implementation and legislation.

I think in my experience and in my work as an individual, my approach has very much been to identify those gaps and to try to make sense of how we make this work, maintaining the principles of the act and maintaining the principles of the work in front of us for a positive public outcome, but also understanding that on the ground there are practical realities. I would also say that this was not just a challenge for landowners and developers; the challenge was for farmers as well, who had a difficult time trying to make the Endangered Species Act work when they had been farming crops for many, many years and those crops suddenly became a habitat for a species, and it was time for them to turn over their farm practices. So it's not simply a development issue.

There are many municipalities that stopped bridge construction, mid-construction, as they waited for clarification from the ministry as to how to proceed with their bridge. I know that that caused a great deal of stress and concern for those municipalities as that construction stalled for six, seven, eight, nine months and then the cost to re-engage and re-assess became an issue.

I would go back to the challenge of implementation, and I would like to think that my experience working for this association, my personal approach on these issues, really focuses on how we take the legislative will, the legislative spirit of the act, and put it into play in a practical reality. I see this with all sorts of legislative pieces. The details matter, and implementation is where you come up with a plan and the approach to bring it forward.

Mr. Rosario Marchese: Chair, thank you.

The Chair (Mr. Lorenzo Berardinetti): You still have two and a half minutes left if you want to ask some more questions.

Mr. Rosario Marchese: I'm done with the questions.

The Chair (Mr. Lorenzo Berardinetti): All right. Miss Taylor.

Miss Monique Taylor: I have questions. Thanks for being here today. You've put your life's work into the home builders' association and getting to that position, to the point where you're now the chief executive officer. You've built a lot of relationships. You have a lot of eggs in that basket. I'm sure that's how you paid for your own home. I'm concerned about the fact that you're now going to put yourself in a part-time position on a committee that is possibly going to be very challenging. How is it that you're going to be able to put your relationship with other builders—you're their leader—over a decision that needs to be made for an endangered species? How are you going to do that? I kind of feel, without being disrespectful, that we're putting the fox in the henhouse.

Mr. Joe Vaccaro: I would put it this way: Again, when I look over the current structure of this committee, I see a number of people who serve in association roles on this committee. I would also say that this is an advisory committee to the minister, and ultimately the minister must determine what advice the minister is willing to take in making those decisions. Again, this committee has nothing to do with the actual list. The list will be determined by a scientific group.

As for my approach, I think that my approach has been very consistent in terms of my work here and the work that we're speaking to in terms of evidence- and research-based approaches. That's the approach I've taken on all the files that I've been working on. On this file specifically—

The Chair (Mr. Lorenzo Berardinetti): We're down to one minute.

Mr. Joe Vaccaro: —we have been very consistent in saying we support the principle of the ESA. We support the need for the act. The issue is the challenge around implementation.

But again, I would say that when I look at who is on this committee today, when I look at my skill set, when I consider the advice that the minister is looking for on implementation, the challenge is really being able to bring to the minister examples around implementation but also opportunities, solutions and considerations. That only really happens when you have people on the committee who can actually see those opportunities and bring them forward in a way that moves the act forward and moves the principles forward.

Miss Monique Taylor: Are you going to be able to stand up for an endangered species against your builders?

Mr. Joe Vaccaro: I do it every single day. That includes when I get calls from farmers and municipalities asking for help. I remind them that the act is the act and you have to work your way through the act.

The Chair (Mr. Lorenzo Berardinetti): Okay, thank you, Mr. Vaccaro. The 10 minutes have been used up. If you just want to take a seat back there, the committee will now discuss the concurrence.

Miss Monique Taylor: Chair?

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor?

Miss Monique Taylor: May I have a recorded vote, please?

The Chair (Mr. Lorenzo Berardinetti): Sure.

We will now consider the concurrence for Joe Vaccaro, nominated as member, Species at Risk Program Advisory Committee. Would someone please move the concurrence?

Ms. Mitzie Hunter: Chair, I move concurrence in the intended appointment of Joe Vaccaro, nominated as member, Species at Risk Program Advisory Committee.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? None? All right. All those in favour of the appointment?

Ayes

Crack, Damerla, Holyday, Hunter, McDonell, Yurek.

Nays

Marchese, Taylor.

The Chair (Mr. Lorenzo Berardinetti): The motion is carried.

COMMITTEE BUSINESS

The Chair (Mr. Lorenzo Berardinetti): Before we deal with the request by Ms. Damerla for a short recess, I just want to ask the committee's permission if I could briefly—there are several deadlines. There are five appointees who have been picked by the committee whose deadline or extension expires before the next meeting. We would require unanimous consent of the committee to extend the deadlines so that we may interview those individuals who are selected at a later date. There are five in total. I'll just quickly read them out.

(1) Justin Duncan, nominated as member, Environmental Review Tribunal and the Ontario Municipal Board (Environment and Land Tribunals Ontario);

(2) Karen Kraft Sloan, nominated as member, Environmental Review Tribunal and the Ontario Municipal Board, (Environment and Land Tribunals Ontario);

(3) Marcia Valiante, nominated as member, Environmental Review Tribunal and the Ontario Municipal Board, (Environment and Land Tribunals Ontario);

(4) Anne Egan, nominated as member, Building Materials Evaluation Commission; and

(5) Noble Chummar, nominated as member, Liquor Control Board of Ontario.

Do we have unanimous consent to extend the deadlines for considering the intended appointments?

We'll do them one by one: Justin Duncan, nominated as member—

Mr. Rosario Marchese: It's okay. All of them at once.

The Chair (Mr. Lorenzo Berardinetti): Is that agreed? Okay.

Do we have unanimous agreement to extend Mr. Justin Duncan, Ms. Karen Kraft Sloan, Ms. Marcia Valiante, Ms. Anne Egan and Mr. Noble Chummar? All those in favour? Is that agreed? Thank you.

Can we get a date for the extension? There is one that—we're just going to pull up what the date is. It would be 30 days. I'll read out the first four: Karen Kraft Sloan; Marcia Valiante, number 2; number 3, Anne Egan—number 4 is Anne Egan. So it's Karen Kraft Sloan, Marcia Valiante, Anne Egan and Justin Duncan—those four—to move that date to May 2, 2014. Is that agreed, to extend that date? Okay. That's agreed.

The last one, number 5, is Mr. Noble Chummar, to move his extension to May 6, 2014. Is that okay? Agreed? Thank you.

That being done, Ms. Damerla has asked for a short recess, but we have to get unanimous consent. How long would you like to recess for?

Ms. Dipika Damerla: Chair, about 20 minutes.

The Chair (Mr. Lorenzo Berardinetti): For 20 minutes? Okay. Do we have unanimous consent?

Miss Monique Taylor: No, Chair, we don't agree to 20 minutes.

The Chair (Mr. Lorenzo Berardinetti): No? I heard a no.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry. Mr. Marchese?

Mr. Rosario Marchese: I think 10 minutes should do it.

The Chair (Mr. Lorenzo Berardinetti): So you're moving a 10-minute recess?

Mr. Rosario Marchese: Yes.

The Chair (Mr. Lorenzo Berardinetti): Is that agreed? Okay. Thank you. We'll take a 10-minute recess and come back at around 10 o'clock.

The committee recessed from 0951 to 1002.

The Chair (Mr. Lorenzo Berardinetti): We're back in session now. We have in front of us the motion moved by Miss Taylor. We all have a copy of it. Any discussion on it? Yes, Ms. Damerla?

Ms. Dipika Damerla: There are just a couple of questions that I had on the motion. One is that there is already an FOI out on this, so I'm not sure why we are duplicating the effort—there is a freedom-of-information request on the exact same information—other than to make work for the bureaucrats or perhaps—I'm not sure; it baffles me.

The other thing is that much of this information is already online by Premier's directive, since 2010. Executive compensation is online, so again, I'm not sure why we need to make this request—I'm just putting it out there. I'm not sure about the board of directors, so that

might be fine, but for the senior executives, all that information is there.

I also wanted to clarify what type of expenses, because the motion just says “expenses.”

I’m also wondering what the committee’s position would be on credit card information, personal addresses, things like that. Perhaps we could have some kind of clearer definition, if the expenses are over a certain amount or—

Interjection.

Ms. Dipika Damerla: You’ll get your chance, Monique, to respond.

We’d like to amend the time frame from 30 days to 45 days.

The term “all documents” is really too broad, and we need to be helpful to Metrolinx and define what documents the NDP is clearly looking for.

Given that some of our questions are on the fact that some of it appears to be duplication, because the documents are subject to FOI; executive compensation is online—perhaps if there is an appetite to rework the motion. We’re not opposed to the motion, but we really don’t want to duplicate that which is already there.

In the spirit of that, Chair, I’d like to introduce some amendments to the motion.

The Chair (Mr. Lorenzo Berardinetti): You have some amendments you’d like to move?

Ms. Dipika Damerla: Yes.

The Chair (Mr. Lorenzo Berardinetti): Do you have copies of them?

Ms. Dipika Damerla: Well, I’m going to read them in, and then we can pass copies along.

The Chair (Mr. Lorenzo Berardinetti): All right. Go ahead and read them, and if we can get copies of them.

Ms. Dipika Damerla: Okay. Our amendment would be to strike “all documents” and replace it with “only financial records directly related to the expense claims of Metrolinx executives.”

That’s the suggested amendment at this point, to clearly define it.

The Chair (Mr. Lorenzo Berardinetti): All right. If the committee Clerk could come over and maybe get a copy of that?

Ms. Dipika Damerla: Sure.

The Chair (Mr. Lorenzo Berardinetti): I don’t know if we should make copies of it so that all members have a written copy of that.

We’ll just move on to the speakers, then if—

Ms. Dipika Damerla: Sorry? Yes, in the meantime. I haven’t finished speaking, but if somebody wants—because I want to speak to why we’re introducing those motions and my colleagues might want to as well.

Laughter.

Ms. Dipika Damerla: I’m sorry, Chair, but that’s not professional. I’ll leave it up to you. If others want to talk in the meantime, I’m fine with that as long as we get a turn at some point to further speak to it.

The Chair (Mr. Lorenzo Berardinetti): Okay. Thank you. Ms. Taylor.

Miss Monique Taylor: I believe the motion that we put forward is quite clear. We would like all documents related to the expenses of both the board of directors and the executive members, and if all of that information is already there, then it should make this quite easy for them to provide it to this committee.

As a committee reviewing Metrolinx, we have the right to all of this information, and we would like to see it brought before us. Like I said, if it’s there before us, if it has already been produced for them, then it’s easy for them to send it here to us. I don’t think we need any extension and time delays.

I’m really hopeful that when I hear the member opposite speaking about how she and all of her members would like to speak to this that they’re not planning on filibustering like they did for our previous motion that was brought before us. The government likes to talk about accountability and transparency. We think that this is part of that process, and we believe that the committee needs to see these documents.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? Ms. Damerla.

Ms. Dipika Damerla: I just wanted to address some of the issues raised by Miss Taylor. All we are saying is, if the information is already out there, why would we waste somebody’s time to re-collect it when it’s there? To me, it just seems—I’m trying to understand why. Why wouldn’t the committee agree to say, “Okay. We’ll go back and see,” and go online and check the records? If it has what you’re looking for, great; if it doesn’t, we can come back and say, “This is what’s missing.” But I find the argument that, “If it’s there online, well, let them print it for me,” seems to me—quite frankly, I don’t understand the rationale. Yes, as MPPs we have the right to information, but the right to information has to be balanced with being responsible, and not being irresponsible in terms of, “I can ask, so I’m going to ask” but rather, “I ask because I think there is a need to ask.”

All we’re saying is the information is there. Some of it is; we didn’t say all of it. The information that is there, perhaps you may want to reconsider asking for, and for the information that’s not there, we’re not contesting the right to ask for that information. All we’re saying is, could we have some more time. But we can talk about that.

But again, I come back to the whole notion of when you just say “expenses,” it is so broad. What does it mean? Can the committee get some direction around information that’s sensitive? Credit card information, personal addresses, that sort of thing: Is that something the committee is looking for? I’m just curious. Can we get some clarification on that?

Mr. Jeff Yurek: Don’t you have professional redactors?

Ms. Dipika Damerla: But why go that far when we can—you could, yes, after the fact, but all we’re asking is, let’s be efficient. Isn’t that what we are all talking

about in government, not wasting money, not wasting time, doing things right the first time? If we know that we don't want that kind of information, why don't we just say that upfront rather than saying, "Oh, bring it out, then we'll look at it and then we'll redact it"? That's the point I'm trying to make.

Those are some of the issues, and that's one of the reasons we've introduced that amendment, and I'm hopeful—I'd like to hear why you don't agree with the amendment, rather than just saying, "It's all right." I understand it's our collective right to ask for information, but is it our collective right to—

Mr. Jeff Yurek: You hired Peter Faist.

1010

Ms. Dipika Damerla: Peter Faist? If you want to talk about Peter Faist, I'm happy to talk about Dimitri Soudas. You know, we can go into all of that. I don't have a problem at all. If you want to start talking about different employees, I'm happy to talk about that.

Just coming back to the motion, Chair, I'd like to reiterate one more time that it's really broad. We'd like some co-operation in defining it clearly so that the bureaucrats do what they need to do and don't do extra work. I'd also like to remove duplication. If that information is available online, let's not ask for it.

Again, the documents are subject to FOI. So I'm wondering if the committee can actually clarify, Chair, if very similar information is being asked for through a freedom-of-information, what are the rules around duplication? How do we say, "We have the right so we can ask to three different channels?"

It is something, I think, at least going forward, if we do not already have some guidelines around that, I would say there is some merit to pursuing certain guidelines going forward, so that if a certain topic is subject to FOI, should committees be then asking for that information through other channels?

Chair, would you be able to respond to whether we have some existing guidelines around that?

The Chair (Mr. Lorenzo Berardinetti): I'm sorry, can you repeat that? My apologies.

Ms. Dipika Damerla: My question is, does the committee in general, not for just this particular issue but in general, have any guidelines around—if a particular issue is subject to FOI, are there any guidelines around whether committees can request that exact same information through committee? Do we have any rulings around that in terms of—

The Chair (Mr. Lorenzo Berardinetti): It would be up to the Ministry of Transportation and Metrolinx to explain why or why not they're including those documents in there.

Ms. Dipika Damerla: But have we ever had a situation where there has been a duplicate channel through FOI as well as a committee? Have we ever considered this topic?

The Chair (Mr. Lorenzo Berardinetti): I don't think I can answer that question. One moment.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Unfortunately, Miss Taylor stepped out, but in her motion, it's pretty straightforward, what she wants. Whether or not FOIable documents would be part of it—I don't have the answer right now.

Mr. Jim McDonell: Mr. Chair, we're saying all documents.

The Chair (Mr. Lorenzo Berardinetti): Yes, we're basically asking for all documents, so—

Ms. Dipika Damerla: No, my question is slightly more nuanced than that, Jim. It's not that you shouldn't get the documents. All I'm asking is: Have we ever ruled on something where it's a duplication of effort because something is being asked for through the freedom-of-information channel and then through a committee? Has there ever been an instance in the past? Because if there hasn't, I feel, leaving partisanship aside, that perhaps it's something to consider going forward. If a particular topic is subject to freedom of information and it has been asked that committees wait to get that information rather than start a parallel process at the same time, so you have two sets of bureaucrats or whatever looking for very similar information—I'm just wondering, what would your thoughts be on that? Would the committee have an appetite at some point to look at something like this, not just for this committee but generally for government?

The Chair (Mr. Lorenzo Berardinetti): I think Miss Taylor's motion is pretty straightforward. I'm just reading it, and it's pretty straightforward. They want documents, and she has not put FOIable documents in the motion, so I don't know what documents would come back. I don't know about any further rulings. I've only been Chair for a year, I think.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I've just been advised by the Clerk. The committee can ask for whatever documents they want. We can ask for any documents we want. I've read Miss Taylor's motion, and it's pretty straightforward. It doesn't specifically say FOIable documents, but I would expect that the motion would include all documents regarding expenses.

Ms. Dipika Damerla: Also, Chair, I just had a question. Sometimes I'm not entirely sure—I know that if there are bureaucrats, we can direct questions at them. But the member has proposed the motion—when we have a question, what is the process to get a response?

My question would be around credit card information, personal addresses and things like that. That's my question: Is that part of it? Is there a way for me to get a response and a dialogue on that?

The Chair (Mr. Lorenzo Berardinetti): I don't know. The motion is in front of us. It's moved by Miss Taylor. If you want to cede the floor to her, then maybe she can answer that question for you about what her request is.

Ms. Dipika Damerla: Yes. That's what I was just asking. That's my question, if you could clarify.

The Chair (Mr. Lorenzo Berardinetti): Okay. Miss Taylor.

Miss Monique Taylor: Chair, we're happy to support the amendment for the financial records.

The Chair (Mr. Lorenzo Berardinetti): All right. So, there you go; there's your answer.

Ms. Dipika Damerla: Okay. Well, that's very helpful. Thank you.

I believe that my colleague Mitzie Hunter has a few things to add as well, so I'll cede the floor to her.

Miss Monique Taylor: We're supporting it, and you still want to speak to it? You still don't want to go ahead and vote for it? This is filibustering at its best, again.

The Chair (Mr. Lorenzo Berardinetti): All right. My suggestion would be, and I'm speaking to all members, that we vote on the amendment and see if that carries, and then vote on Miss Taylor's motion, since it appears that Miss Taylor is okay with that amendment.

Mr. Rosario Marchese: It makes sense.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Mr. Marchese has said that the amendment makes sense.

Any further discussion on the amendment? We're discussing the amendment moved by Ms. Damerla. Ms. Hunter.

Ms. Mitzie Hunter: I do think that it is important that we speak to these motions, because they do generate a tremendous amount of work from the agency, and we want to ensure that the effort that is being put into preparing these documents adds value to the work of this committee. I feel that it is very important.

We just received this motion this morning. My colleague Ms. Damerla has put forward a very reasonable enhancement to the amendment in terms of specifying what we mean by "all documents" and ensuring that we follow good procedure and practice when we're asking for information, particularly as it relates to expenses, credit card information and the work of the committee.

I also want to speak to the time in which we are asking the agency to gather this information with respect to—

The Chair (Mr. Lorenzo Berardinetti): Sorry to interrupt, but actually, that would be outside the scope of the amendment that's in front of us. I'm not being rude; I'm just saying that we have to speak to the amendment that was moved by Ms. Damerla, which we have copies of now—the handwritten amendment. The debate is basically around that issue.

Ms. Mitzie Hunter: Okay. Thank you, Chair. As it—
Interjection.

The Chair (Mr. Lorenzo Berardinetti): One moment. Mr. McDonell.

Mr. Jim McDonell: There seems to be general agreement with the amendment. Could I move that we vote on it and put closure on it? There's agreement from all sides to move ahead on this.

The Chair (Mr. Lorenzo Berardinetti): Yes. I'm aware of that, but if they want to speak for a few more minutes on it, I think it's a bit too early to call the question or just vote on the amendment, as much as I would like to.

Miss Monique Taylor: Chair, you do have the inherent right to say that there has been enough debate on this, and we've already agreed to their amendment.

The Chair (Mr. Lorenzo Berardinetti): Yes, I know. It is a fine line. I would like to vote, too, but I just think I have to allow debate to continue a bit longer. I'd like to move on and get it done before this meeting so we can move on.

Okay, Ms. Hunter; sorry. You have the floor.

Ms. Mitzie Hunter: I think that it's very important to have the opportunity to speak, and I believe my comments were in keeping with the amendments, really underscoring the importance of—only the financial records that directly relate to the expense claims of Metrolinx executives. That's adding a bit of scope and specificity to the requests that we're making, and it is a responsible thing for this committee to do.

It is a responsible thing for us to speak to these motions and to the amendments so that we're not asking for requests that add undue time on the part of agencies to bring their documents forward. I think that our ability to speak to these amendments, the opportunity to offer our input, is extremely important, Chair. I'm very surprised that we're not being given the room by our opposition members to be able to do that. I think we have that right to do that.

1020

My colleague has talked about the risk of duplication, particularly when requests are already in the agency or information is already available within the public. Is that a responsible thing for us to do as a committee, to be able to really respect and value the work of these agencies and the time they will put into it, and also, to what end, in terms of how this information is going to be utilized and in terms of our assessment of the work of the agency and the work they're doing to build out the critical infrastructure that we so need? That's really where we want to hold the agencies accountable. It's really to the output of the work that they do on behalf of the ministry and then the community.

I just wanted to say that our ability to make reasonable requests—and requests that add value to the work of this committee—and to give direction that is clear to the agencies is also something that we have to be mindful of, and I'm very pleased that Miss Taylor and others have agreed to the changes that have been proposed. But I also think that being on record is very important to us as well and having the opportunity to do that in committee is really the work of our committee and the reason why we're here.

My confirmation is just to really thank Ms. Damerla for offering these suggestions. I think that they really speak to the importance of giving clear direction to our agencies, ensuring that they are able to respond appropriately and to provide the committee with what we need so that we can make good decisions while we're here.

The Chair (Mr. Lorenzo Berardinetti): Thanks, Ms. Hunter. I'm going to interject.

Ms. Mitzie Hunter: Okay.

The Chair (Mr. Lorenzo Berardinetti): There are a few minutes left and I think, in my view, there has been enough discussion on the amendment. It seems to me there's agreement. At this point, I'm just going to call the vote on the amendment.

Mr. Grant Crack: On a point of order, Chair: I haven't had the opportunity to speak to the motion, if I may. I know my colleagues have expressed some concerns as well, and I think it would only be fair, as a new member of the committee, to be able to make a few comments.

The Chair (Mr. Lorenzo Berardinetti): In my view, I think there's agreement here. You may consider me to be rude, but I am going to call the vote, just on the amendment at this point in time. I apologize that I'm going to cut you off, but there seems to be unanimous agreement here on this amendment.

Ms. Dipika Damerla: Chair?

The Chair (Mr. Lorenzo Berardinetti): Ms. Damerla?

Ms. Dipika Damerla: My understanding was that—I know that it's a fine line between what is reasonable debate, but I think each MPP has the opportunity to at least speak for a short while, to get on record if they have something important to say. I don't know that we can judge them before they've had that opportunity to speak.

The Chair (Mr. Lorenzo Berardinetti): Okay. There are only a few minutes left before—I want to just move on because we have other appointments to go through and there are only a couple of minutes left. We have the main motion as well, so at least let's vote—

Mr. Grant Crack: On a point of order, Chair: If I may, I think that I've had the opportunity and the pleasure to be Chair as well and I'm not putting into question your direction here; I'm trying to move this forward, but at the same time I've also participated in many, many committees where if a member does want to speak to a particular issue, they are entitled to do so. I was just hoping that perhaps you could provide me that same privilege to make some comments with regard to this particular amendment that's on the table, because this amendment does change the original motion, and I need to make sure, as a new member, that I'm clear on what's—

The Chair (Mr. Lorenzo Berardinetti): I'm going to interject here. The first thing next meeting is we'll still do this amendment and get a vote done quickly, and then we'll move to Miss Taylor's motion, unless there are any other amendments put forward.

At this point, I'm going to adjourn the meeting. Thank you.

The committee adjourned at 1025.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 8 April 2014

Journal des débats (Hansard)

Mardi 8 avril 2014



Standing Committee on Government Agencies

Agency review: Metrolinx

Comité permanent des organismes gouvernementaux

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gouvernementaux : Metrolinx

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 8 April 2014

The committee met at 0904 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr. Lorenzo Berardinetti): Good morning, everybody. We'll start our meeting of the Standing Committee on Government Agencies. Everyone has a copy of the agenda. I would ask the indulgence of the committee if we could just do at least item number 2, which is the report of the subcommittee on committee business dated Thursday, April 3, 2014. Is it agreed if we just do that first? Mr. McDonell?

Mr. Jim McDonell: I move adoption of the subcommittee report on intended appointments dated Thursday, April 3, 2014.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any discussion? All those in favour? Opposed? That carries.

We have a selection of the official opposition, Anne Egan. We can wait, but she was here last time, a while back, and we didn't get to her. She's here in the audience today.

Ms. Dipika Damerla: We support that.

The Chair (Mr. Lorenzo Berardinetti): Can we deal with that very quickly? No? Okay, Miss Taylor? We'll leave that till later, and we'll go back to item number 1, which is the debate—

Ms. Dipika Damerla: Chair, can I just get—I want to move a dilatory motion to change the order and just get a recorded vote. Can I get that? To move the appointments review first and postpone the review of the motion and the amendment?

The Chair (Mr. Lorenzo Berardinetti): There is already a motion on the floor, which was moved by Miss Taylor. We were discussing the amendment, and we put it first on the agenda so we can debate that first. If we get through this debate—

Ms. Dipika Damerla: A point of order.

The Chair (Mr. Lorenzo Berardinetti): Ms. Damerla?

Ms. Dipika Damerla: Thank you, Chair. I'm just trying to understand because I'm learning as I go along and I don't have my handy little book of rules, but I thought that if there's a question in front of the committee, that can be postponed through a dilatory motion and we can vote on it.

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
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The Chair (Mr. Lorenzo Berardinetti): Yes, but it's not really dilatory because it was already being discussed last meeting.

One second.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): All right. According to the Clerk, Ms. Damerla can only move that we deal with item number 3, but we have to vote on that to get it through.

Ms. Damerla, repeat again what you want to move, the motion?

Ms. Dipika Damerla: We're good to go? Right? I can move it now?

The Chair (Mr. Lorenzo Berardinetti): To move to item 3? In front of us right now is item number 1: debating the motion moved by Ms. Damerla to the motion by Miss Taylor, and that's what's first on the agenda. Then, what did you want to move?

Ms. Dipika Damerla: Chair, we can proceed, and when I get an opportunity, I will move what I need to move.

Mr. Jim McDonell: Chair, can we just move ahead? There is a motion on the floor in front of us.

The Chair (Mr. Lorenzo Berardinetti): The debate on number 1?

Mr. Jim McDonell: Yes.

The Chair (Mr. Lorenzo Berardinetti): Okay. We'll move ahead with item number 1 and leave item number 3—if we finish this debate. So right now, we're on item number 1, and I think you had the floor, Ms. Damerla.

Ms. Dipika Damerla: Thank you, Chair. Before I continue debate on the amendment that I proposed last time, I would like to move a motion to postpone the discussion of this debate so that we can move to other agenda items—a dilatory motion, and I would like a recorded vote.

Interjection.

Ms. Dipika Damerla: So that Ms. Egan can see who's postponing these proceedings and it's a matter of record.

The Chair (Mr. Lorenzo Berardinetti): Okay. We'll do a recorded vote—I know what the result is going to be. We'll do a recorded vote on the motion by Ms. Damerla—yes, Mr. McDonell?

Mr. Jim McDonell: There is a motion on the floor now. Are we not obliged to finish this motion first and to hear it? I would request that we just put the amend-

ment—we are in agreement with your amendment. This is just another stall tactic to get around getting to the final vote, and it's very clear.

The Chair (Mr. Lorenzo Berardinetti): We'll just vote on it, plain and simple.

Ms. Damerla has put forward a motion to postpone item number 1, and—

Mr. Jim McDonell: We've seen this time and time again, where they try to get through the first half-hour so that they can get—their three speakers can time-out the meeting. Let's just get to the motion. It's a simple amendment that you proposed—

The Chair (Mr. Lorenzo Berardinetti): Let's just vote on Ms. Damerla's motion. She has made a request to deal with item number 1. All those in favour of item number 1?

Ms. Dipika Damerla: Sorry, Chair, it's not clear, the question.

The Chair (Mr. Lorenzo Berardinetti): To postpone item 1 and go to item number 3. All those in favour of postponing item number 1? It's a recorded vote.

0910

Ayes

Damerla, Hunter, Wong.

Nays

Hatfield, Holyday, McDonell, Taylor, Yurek.

The Chair (Mr. Lorenzo Berardinetti): So that does not carry.

Then we deal with item number 1, which is debate on the amendment moved by Ms. Damerla to the motion by Ms. Taylor.

I think you still have the floor for a few minutes. I'll just mark your name down, Ms. Taylor.

Go ahead, Ms. Damerla.

Ms. Dipika Damerla: Thank you so much, Chair, for indulging my dilatory motion. It's clear to everybody that the government side really wanted to move ahead so that we could go through Anne Egan's appointment. I'm very disappointed that the opposition voted against that.

The Chair (Mr. Lorenzo Berardinetti): For the record, your motion, very quickly.

Ms. Dipika Damerla: The motion that I had just—

The Chair (Mr. Lorenzo Berardinetti): Yes, the one that we left last Tuesday.

Ms. Dipika Damerla: Okay. Just for the record, I had moved that we postpone debate on the amendment moved by me—

The Chair (Mr. Lorenzo Berardinetti): The motion that we were discussing last week, your motion.

Ms. Dipika Damerla: I'm happy to do that as well.

The Chair (Mr. Lorenzo Berardinetti): Thank you.

Ms. Dipika Damerla: I move that the sentence “and that these documents be produced within 30 days of this motion passing” be struck and replaced with “and that

these documents be produced within 45 days of this motion passing.”

That's the amendment.

The Chair (Mr. Lorenzo Berardinetti): Yes.

Ms. Dipika Damerla: I'm happy to read the motion into the record as well. It's not my motion, though.

The Chair (Mr. Lorenzo Berardinetti): Ms. Taylor had the original motion that was circulated, and then Ms. Damerla has an amendment to that motion, and that's where we left off last week. The original motion was moved by Ms. Taylor. So then Ms. Damerla moved an amendment to go from 30 days to 45 days.

Miss Monique Taylor: No, that's not part of this. No, Chair, you're confused. You're way ahead in your notes.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry I'm looking at your motion, and I'll read it into the record. Ms. Damerla moved: That the words “all documents” be struck from the motion and replaced with “only financial records directly related to the expense claims of Metrolinx executives.” That was her amendment to the motion.

Sorry, I was looking at your motion, Ms. Taylor. My apologies.

Okay. So you have that amendment. Is there further debate?

Ms. Dipika Damerla: Thank you, Chair. One of the reasons we have consistently, in every committee that I have been—let me just begin by saying that this morning I, once again, took the GO train to come in to work, and I think I'm—

Applause.

Ms. Dipika Damerla: Thank you, Mr. Yurek.

I'm probably among the few MPPs who have that ability to commute in, and so I really see first-hand the great work that Metrolinx is doing. I'm sure MPP Holyday has a pretty good idea as well. The GO train runs through parts of his riding, I believe, Long Branch and maybe Mimico. I'm not entirely sure.

The Chair (Mr. Lorenzo Berardinetti): Ms. Damerla, I'm listening carefully. You're going to have to speak directly to your amendment, your motion.

Ms. Dipika Damerla: Chair, I'm just leading up to, just as a bit of a preamble, where I'm going. I'm just setting the table, just trying to say, you know, how important public transit is for me personally. This is a topic that's close to my heart, and I just wanted to establish that.

Mr. Jim McDonell: It has nothing to do with the motion.

Ms. Dipika Damerla: It does. It does, actually.

Mr. Percy Hatfield: I think she should be given 60 seconds to give her personal opinion on public transit, Mr. Chair. Sixty seconds should be—

The Chair (Mr. Lorenzo Berardinetti): Yes, but her amendment is in front of us, and I just want to stick to that amendment, which is pretty straightforward: “all documents” be struck from the motion and replaced with “only financial records directly related to the expense claims of Metrolinx executives.”

Ms. Dipika Damerla: Thank you, Chair. So the original motion reads: “I move that the Standing Committee on Government Agencies request from Metrolinx and the Ministry of Transportation the production of all documents related to the expenses of all Metrolinx board of directors and executive members....”

All we are saying is that we are just finessing it to say the production of only financial expense statements of all Metrolinx board of directors and executive members between January 1, 2012, and March 18, 2014.

The purpose of doing this is fairly straightforward. We are doing this so that the direction that we give our bureaucrats is crystal clear, because I presume that if the original motion was given to the bureaucrats—and I’m just going to play this out for you. The big boss, whoever is going to get it, he or she is going to hand it over to a direct report and say, “Here’s a request from the committee. Go look for all of this.” The person at the other end, this junior executive, is going to start wondering what exactly is the definition of “all documents” related to the expenses of all Metrolinx board of directors and executive members. Does this include an email that said, “Can you book this hotel room?” That is indirectly related to that expense claim, but what you’re really interested in is the invoice that shows how much was spent on that hotel. So that’s the thing.

All we’re saying is, let’s just narrow it down to say “financial,” so you know that what you really need is an invoice, because otherwise that junior executive is going to be in this quandary, saying, “If I don’t produce that original email and the back and forth that may have said, ‘Is it the 22nd or is it the 23rd that you want us to book?’ and all of that stuff—maybe I’m in contempt of what the committee is asking?” Therein lies the confusion.

The way it has been worded is fairly confusing. So what we are asking for—

Interjection.

Ms. Dipika Damerla: Chair, someone is trying to get your attention.

The Chair (Mr. Lorenzo Berardinetti): Ms. Taylor?

Miss Monique Taylor: Chair, I just want to be really clear—because a week has passed, so there may be some confusion and some cloud happening on this—but we already agreed to support the amendment, Chair. We’re not quite sure why Ms. Damerla is still trying to convince us of such.

Mr. Jim McDonell: Let’s vote.

Miss Monique Taylor: Let’s vote.

The Chair (Mr. Lorenzo Berardinetti): Yes, but the rules allow 20 minutes. She moved the amendment—I’m just trying to be clear—

Miss Monique Taylor: But she had 20 minutes in the last session.

Ms. Dipika Damerla: I did not. I did not, and the rules do permit me each time—but I am pleased that Ms. Taylor is so easily persuaded. I’ll take that, but I don’t know if everybody else is as easily persuaded.

Mr. Jim McDonell: We are. We have already agreed.

Mr. Percy Hatfield: We’re all in accord.

Ms. Dipika Damerla: I just wanted to make sure.

Now, I have before me, Chair, the page of our website. If you were to go to Metrolinx, if you went to their website, there’s actually a website which has an expense menu. You click on that and it says, “Travel, Meal and Hospitality Expenses.” Essentially, if the committee chose, they could go to this, see what’s already there, come back with a motion that says, “This is already there and this is what we still need.” That, Chair, would be the responsible thing to do, and that is how it—and I’m not being partisan. I think anybody here, before we became politicians, we’ve all worked at different jobs. I think it’s a reasonable request. If there’s already information available online related to expenses of the Metrolinx board of directors and executive members, I think it’s really either laziness or irresponsibility to not first go through that, sift through that and then say, “This is still missing. This is what the committee wants.” Instead, we have a very broad statement that says, “all documents related to the expenses of all Metrolinx board of directors and executives,” without even looking at the basic data that is already available and out there.

When I get that opportunity, I’d actually like to refine it to say, “Go back, committee”—in fact, I think we should have a private member’s bill that says that it’s wrong for MPPs to ask bureaucrats for information that’s already available online. Consider what is already there before you ask. It’s a waste of taxpayer dollars to ask them to provide information that is already available online, information that this committee has chosen not to look at. I mean, look at it, come back and say, “This is still not enough.” Instead, we just have this—and I find that a little disappointing. This is not responsible governing, to ask for information that’s already out there. So I am disappointed.

Ideally, what we would like is a motion that says that once the committee has looked at what’s already available, we’ll come back and ask for more information. Given that that’s not happening right now, at the very least, to narrow it down to say, “only financial expense statements,” and that goes back to my—I thought that that example might serve to illustrate why we need to do this.

0920

The other thing that is a little concerning is the amount of time that bureaucrats have been given. Here are the three problems with the original motion: One, it does not take into consideration information that is already publicly available online; it does not define exactly what the members would like to see in terms of the expenses—instead of saying “all documents,” to say, “We’re looking for the financial documents backing up these expenses”; lastly, the timeline—30 days. One of the things that I don’t understand is that—we would not be wasting this time if from the get-go, motions from the NDP would come with 45 days, because this government has, every single time that a motion has been brought forward asking for 30 days, come back and said, “Can we make that 45 days and go through the whole process?” Why not just word it with 45 days from the get-go? If from the

get-go this had said, “We’ve looked at this information and this is still missing. We’re giving you 45 days, and it’s financial documents that we’re looking for,” right now we would be debating and dealing with Ms. Egan’s appointment. Instead, we are in this situation where it’s very unfortunate that Ms. Egan is being asked to wait again, a second time, when the committee could have very easily listened to her presentation.

I don’t know about you guys, but I’ll tell you one of the things—because I’m not a very good public speaker. Before I have to go and speak at an event, like many people, I like to prepare the night before. I think about what I’m going to say. It’s very disappointing when you go the next day and nobody cares what you’ve said—

Mr. Percy Hatfield: On a point of order, Chair: Can you get her back on topic here?

The Chair (Mr. Lorenzo Berardinetti): Yes. I’m trying to listen, but the motion is—

Ms. Dipika Damerla: Chair, I’m talking. I think it’s relevant to the whole proceedings. My point is, Ms. Egan has prepared. I’m sure she prepared last night. She has come here and it’s disappointing for her that we don’t care about—

The Chair (Mr. Lorenzo Berardinetti): No. I know, but you have to stick to your amendment.

Ms. Dipika Damerla: Okay, Chair. I just wanted to get that in. Anyway, I think we can all relate to that.

But just coming back to the amendment that I have proposed, one more time, just to be very clear, it’s to—

Miss Monique Taylor: This is a filibuster.

Ms. Dipika Damerla: This is not a filibuster, because—

Miss Monique Taylor: Chair?

The Chair (Mr. Lorenzo Berardinetti): Hang on, here. She just has the floor for a bit longer. Is it a point of order?

Miss Monique Taylor: Chair, can I ask for clarification, please? Can the Clerk please let us know how long Ms. Damerla spoke to this amendment last time that we were here, for time purposes, and then how much time she has spent this time. I mean, there’s no way that she could possibly have 20 minutes to speak last time, 20 minutes to speak again this time and nobody else has been able to speak to this.

Mr. Jim McDonell: Thirty minutes—

Miss Monique Taylor: Yes. I mean, if we want to talk about holding people up and not allowing appointments to go through, this is why the appointments are not getting through. It’s not about the problem of this side; it’s the problem of the government, who’s holding this up and not allowing this woman to be seen before us today. So if we want to talk about accountability and transparency in this House, this is exactly where it needs to start, right at committee where we’re speaking and saying exactly what’s happening.

The Chair (Mr. Lorenzo Berardinetti): Okay. While she speaks, Ms. Taylor, the Clerk is going to check her notes, because I know she did start speaking last time but she didn’t speak very long.

Ms. Dipika Damerla: Chair, I just had—

Miss Monique Taylor: Chair, sorry, just one more time for clarification: Didn’t we go into recess right before we left last time? Because we called the vote and—

Ms. Dipika Damerla: No.

Miss Monique Taylor: We didn’t go into recess right before the end of session?

Ms. Dipika Damerla: No.

The Chair (Mr. Lorenzo Berardinetti): No, we didn’t go into recess.

Miss Monique Taylor: All right. There have been so many days of filibustering, I’m confused.

Ms. Dipika Damerla: Chair, I have a few questions.

The Chair (Mr. Lorenzo Berardinetti): Go ahead.

Ms. Dipika Damerla: Every time another member interrupts while I’m speaking, do you deduct that time?

Interjection.

Ms. Dipika Damerla: No, it is serious. I’ve got stuff to say, and if somebody is taking up my time, do you add it back? I just wanted to know what the procedure is.

The Chair (Mr. Lorenzo Berardinetti): You had the floor for 20 minutes. There was some discussion last time and then we went to recess. I’m not going to stop the clock. You’ve spoken for 10 minutes now. Continue speaking. It’s not as formal as it is in the House, okay? Continue speaking, and while you’re doing that, I’m going to check very quickly as to how much time you spoke last time. But I know you didn’t speak very long.

Ms. Dipika Damerla: Chair, my second question is—our notes suggest that what I was speaking to last time was going from 30 days to 45 days. So while you’re checking, could you also check what I actually spoke to? That would be helpful, while we’re doing that.

Miss Monique Taylor: No, that isn’t right.

Ms. Dipika Damerla: The third thing is, Chair, if a member opposite accuses me of something, I hope I have the ability to rebut that. She accused me of filibustering. I don’t want you to rule that that’s out of order and I’m not speaking to the amendment, because I ought to be able to—fair is fair, right?

The Chair (Mr. Lorenzo Berardinetti): What the committee Clerk has informed me—unlike the House, where we have a countdown clock, she can speak for 20 minutes, cede the floor to someone else, and then, if she wants to, she can go back and speak for another 20 minutes. That’s just the rules that are in front of us.

Miss Taylor, then Mr. McDonell.

Miss Monique Taylor: Thank you, Chair. I believe, when we were going through this exact same process on a different motion earlier, in the last few months, you stated that it was your inherent right to say when there has been enough speaking to this amendment and to this motion and that you could move it forward as you wished.

Ms. Dipika Damerla: Oh, I love it.

The Chair (Mr. Lorenzo Berardinetti): Yes, I know. The debate just started on this motion, and unfortunately, I have to allow debate on this motion. The last time, we spoke on and on, and eventually, Mr. McDonell called the question and I said, “Enough debate has happened.”

Then we voted. But we just started today with this. I have to allow this to happen for a bit.

Ms. Dipika Damerla: Chair, I'm losing my time. I would request that you stop the clock because I've lost so much of my time now to all these procedural questions.

Mr. Douglas C. Holyday: If you're going to proceed on this—

The Chair (Mr. Lorenzo Berardinetti): Mr. McDonell had the floor. Then we'll go to Mr. Holyday.

Mr. Jim McDonell: I'm just saying that the Chair has the final right on the debate. In this case here, we're agreeing to pass the amendment, so the debate is just a stalling tactic. It's not required. What are they trying to hide? Are these the computers you haven't had a chance to wipe yet? What is this? Let's get on with this, get the motion passed and get on to hearing the witness, like we think is appropriate as well. This should be a two-minute vote, and move on.

The Chair (Mr. Lorenzo Berardinetti): Yes, but the rules allow—I can pull the section: Anyone can speak for 20 minutes.

Mr. Jim McDonell: But she spoke last week for 20 minutes.

The Chair (Mr. Lorenzo Berardinetti): Whether they agree or not. Mr. Holyday?

Mr. Douglas C. Holyday: Mr. Chairman, if you're going to follow that process, then maybe you should just inform the young woman that's here today to appear that she's not going to be able to do it today. Apologize and let her go home.

The Chair (Mr. Lorenzo Berardinetti): Yes. I don't know if this debate is going to end or not. I would like to do that, but—

Mr. Douglas C. Holyday: If we follow your process, that's what's going to happen.

Ms. Dipika Damerla: If you'd voted with us, we'd be listening to her—

The Chair (Mr. Lorenzo Berardinetti): One moment, please.

Miss Monique Taylor: You just want to hold everything up, so this is what happens.

The Chair (Mr. Lorenzo Berardinetti): Let's hear her out, and hopefully, we'll have a vote. But members of the committee are allowed to speak to any motion and to pass amendments if they want to, which is what Ms. Damerla has done. This is her amendment, and she's allowed to speak to it. It's 9:30. At some point in time, either we apologize to the person that's arrived here today or we ask for unanimous consent to hear from her.

Ms. Mitzie Hunter: We could pause, Mr. Chair, and listen to her, now that Mr. Holyday—

The Chair (Mr. Lorenzo Berardinetti): Yes, but let's continue the debate here for now.

Ms. Dipika Damerla: Thank you, Chair. I just did want to address some of the things that I heard on the floor. It's a little rich for anybody on that side to talk about filibustering. What I saw yesterday with the caregiver leave act—it's in third reading. No changes can be made to that act, and all I heard—the NDP had speaker

after speaker stand up, just speaking because you don't want that bill to pass. So it's a little rich—

The Chair (Mr. Lorenzo Berardinetti): Okay, I'm sorry, Ms. Damerla. You have to speak to this amendment, instead of—

Ms. Dipika Damerla: Well, Chair, I have to defend myself and get it on the record.

The Chair (Mr. Lorenzo Berardinetti): No, no. The amendment is pretty straightforward.

0930

Ms. Dipika Damerla: So for anybody to say that there are, you know, issues around—

The Chair (Mr. Lorenzo Berardinetti): That's off topic.

Ms. Dipika Damerla: There's a huge credibility issue for anybody on that side to say we are filibustering, because what I see in the House is nonstop filibustering. But just getting back on track to—

The Chair (Mr. Lorenzo Berardinetti): Yes. Please speak to the amendment. I'm sorry, I'm going to have to interrupt. Just speak to the amendment.

Ms. Dipika Damerla: So, Chair, I would like to, one more time, out of respect for Ms. Egan, move a motion that we postpone debating this amendment and instead allow Ms. Egan to present. Mr. Holyday is very correct: Why are we just allowing her to sit?

So one more opportunity for this committee here to now vote to allow that. So, Chair, I move that Ms. Egan can come forward and present.

The Chair (Mr. Lorenzo Berardinetti): Yes, but the committee has already ruled on that, and the decision was no, that we're going to continue debate.

Ms. Dipika Damerla: But can we not try again? We can try again.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry. You have to continue debating it. This committee has already ruled they want to discuss this and deal with—

Ms. Dipika Damerla: I thought I'd try, Chair, that's all, in deference to Ms. Egan's time. That's all.

The Chair (Mr. Lorenzo Berardinetti): Ms. Taylor.

Miss Monique Taylor: Chair, I think I have a solution. I'm going to give the government one more chance, and I'm going to call the question on the amendment. And then maybe we can move forward.

Ms. Dipika Damerla: Well, the debate is not done. Debate is not done.

Miss Monique Taylor: So I call the question, Chair.

Ms. Dipika Damerla: Debate is not done, and you cannot take away the right of MPPs to speak to a motion. That is something—

Miss Monique Taylor: I had to try one more time.

The Chair (Mr. Lorenzo Berardinetti): It's getting argumentative. Please.

Ms. Dipika Damerla: That's something Miss Taylor has stood up and defended over and over again: her right to speak to a bill, in vain. So it's a double standard here.

Anyway, Mr. Chair, just going ahead with my amendment. Because of all the time we lost with distractions, I want to one more time clarify that my amendment is seeking that the phrase—oh, God, this means so many—

yes: That the Standing Committee on Government Agencies request from Metrolinx and the Ministry of Transportation the production of only financial expense statements of all Metrolinx board of directors and executive members between January 1, 2012, and March 18, 2014, and that these documents be produced within 30 days of this motion passing and that the respective documents be provided in an electronic, searchable format.

I just wanted to clarify what we are speaking about because there were so many interruptions. The reason I'm asking for this amendment is because "all documents" is too broad a request. We should, you know, refine the search down to be more helpful to the committee. What exactly is the committee looking for? Line items, emails, calendar invites, meeting briefing notes? We need to clarify because—you know, is a calendar invitation to a meeting that a Metrolinx executive goes to attend part of the chain because, in the end, that led to an expense, maybe a cab fare? When you say "all documents related to the expenses of all Metrolinx board," that calendar invite would be included, and I think we can all agree that that's perhaps not going to help us get to the bottom of whatever it is that you want to get. So that's a very small example to clarify.

We've also clearly seen from other communities the issues that can arise from the ministries when broad, overarching motions are moved with short timelines. This is something that I really feel I want to speak to: the short timeline. Can you imagine if we just asked any one of us to just go back and, for the last two years, find every expense item? How long would it take? Would you be able to do it in 30 days? Oh, by the way, while you're at it, I'm not looking just for the Visa statement; I'm looking for any emails that you might have had. So, if you went to celebrate a friend's birthday, I want not just the receipt for how much you spent at that party, but all of the emails that went towards arranging that party, because, you know, it's related to the expense, the way it is worded. How long would it take? And, by the way, if you happen to miss one of those invites, we, the committee, will then say you have something to hide.

So you are putting somebody in that situation where it's a gotcha game that you want to play. Well, then, give them enough time. Don't set them up to fail. I don't think it's fair to our bureaucrats. I have tremendous respect for the Ontario public service. I have served alongside them when I worked in the minister's office, and all I can say is, we owe it to them, as elected officials, to be fair to them and to be respectful of their time. This is not something that should be taken lightly, and we cannot be in a situation where we are setting them up to fail.

Again in general, we're supportive of the motion. We're happy to be transparent. We're one of the most transparent governments. In fact, you'll be surprised to learn that—well, some of you who may have sat on the Parapan committee would know that this government, of its own accord, brought the games under FIPPA, the freedom-of-information act. No other jurisdiction, no other government in Canada has ever done that. We brought—

The Chair (Mr. Lorenzo Berardinetti): Sorry to interrupt, Ms. Damerla. You've got less than two minutes. If you'd just stick to this—

Ms. Dipika Damerla: Chair, I'm just talking about—

The Chair (Mr. Lorenzo Berardinetti): Not the Pan Am Games.

Ms. Dipika Damerla: I think it's related to the fact that—

Mr. Jim McDonell: Chair, she has talked for 22 minutes now—

Ms. Dipika Damerla: Well, Mr. McDonell, I think I lost a lot of time. But anyway—

The Chair (Mr. Lorenzo Berardinetti): According to my stopwatch—

Ms. Dipika Damerla: The Chair says I have two minutes, and I'm just going to keep going.

What I feel is that the motion, as it stands, is setting up the OPS to fail. The amendment that we are proposing is something that would set the OPS up to succeed, and I think that's an important difference. The more specific the motion, the easier it is for the ministry to locate the documents and get them to committee.

Chair, I don't want to take up my full 20 minutes. I have said everything that I need to. I do believe, though, that my colleague Ms. Hunter has a few things to add. Thank you for the time.

The Chair (Mr. Lorenzo Berardinetti): Okay. Thank you. Any further debate?

Ms. Mitzie Hunter: Yes.

The Chair (Mr. Lorenzo Berardinetti): Ms. Hunter.

Ms. Mitzie Hunter: Thank you, Chair. It's interesting listening to the debate and the opposition wanting to cut off debate. I'm very surprised by that, given the remarks that I hear all the time.

I do think it is important that when we introduce these amendments, we have the opportunity to provide some clarification as to what we are looking for, not just for the people who are surrounding this table, but actually for the people who have to carry out the requests of this committee. I think the debate is very helpful for that and instructive—having the opportunity to speak to this amendment, as we're seeking to clarify what we mean by "only financial expense statements" as opposed to a very broad and, frankly, what I would say is an unclear request that was initially made.

It is important for us to identify, particularly as it relates to financial matters, exactly what those line items are that are important to bring forward. We know, as Ms. Damerla has said, that much of this information is already publicly available, and it might be duplicative as well. I find it very surprising that this motion originally was not set up in a way that would take that into consideration, because we certainly don't want to be duplicative of work that perhaps is already under way.

I also note that we're asking for the format and the way that this information is brought forward to be very specific, and I think it is important that we don't be too broad in our requests, that we provide very clear direction to the agency and the staff that will be tasked with putting this together.

I'm very pleased that the spirit of this motion has been well received, but I think that we need to take the time to clarify exactly what we are looking for. We have to acknowledge that the easier it is for the ministry to locate these documents, assemble them in the right format, get them to committee—then we're able to actually get to the business of utilizing them for the work that we want to do.

The time that we're taking here, Chair, I think is well spent. It is about being more specific to the motion on the floor, and it is about the output that we want at the end of the day. So I appreciate you giving us the opportunity to speak to it as we are able to, and also that this information will be utilized by the agency and by their team.

In terms of the motion itself, we also have to take into context what has already been requested. The fact of the matter is that we have already passed two substantial motions that require a large amount of information to be assembled. At the end of the day, that's not the work of the agency. The work of the agency is actually to fulfill the mandate that they've been tasked with in terms of building out our transportation system and our transportation network.

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That said, having oversight and due diligence is very important to the work that we do here in this committee. I think what we're seeking to do is to refine and to clarify our request, ensuring that we receive the information that is most useful to this committee, and that we also—I think we have to seek, when we're drafting these motions, that they are not so broad and all-encompassing that it can't be defined and really provides volumes of information that maybe we don't even have the time ourselves to go through. So narrowing the scope, making it specific to what we need and having that outcome in mind, is something that we have to be mindful of as a committee and as members of the committee.

I also want us to talk about, just in terms of the responsiveness of the agencies—I know that we touched on this before in terms of the amount of time that we're giving, but that is also very important. The amount of time that we are giving has a direct relationship to the quality of the documents that are assembled for us and that are put in front of us.

The Chair (Mr. Lorenzo Berardinetti): That's not the motion, though. I think that the amendment in front of us is pretty straightforward, and the motion by Miss Taylor is in front of us, too. I would ask that you speak to the amendment and just stick to the amendment that was moved by Ms. Damerla at the last meeting.

Ms. Mitzie Hunter: Absolutely, Chair, and that is what I am attempting to do, in terms of seeking to provide the clarity that we need. But in terms of the agency's ability and timeliness in these motions, I do think that that is important. I do think that we need to take into context that we have asked for two substantive document requests of the said agency, and we are continuing to make those requests. I think that it is relevant as it relates to the specificity of this motion regarding financial documents and expense-related documents of the Metrolinx organization.

It's great to see that both the NDP and the Tories are supportive of the amendment. I think that that's very good to see, but I also want to make sure that we take the time that we need to ensure that we provide that specificity in terms of why we're requesting this motion and what we expect in terms of the documents coming into this committee, so that, at the end of the day, it makes our work useful.

I know, Chair, that you've spoken to, at times, the dual work of this committee, that we want to give time to the agencies, but we also have to give time to the appointments process that we have in this committee, which I am also very concerned with. We have not been able to respect the people who are actually sitting here waiting for those considerations to be made, and we've had to delay that part of the business. I think that's something that we also need to address.

That being said, I think that one of the things that we're trying to do here is to ensure, in terms of our service to the public, that this committee and the work of this committee provides that level of service and oversight. At the end of the day, that's why we're all here and that's why these types of requests are being made.

I also want to respect those who put their names forward to be part of boards and committees—

The Chair (Mr. Lorenzo Berardinetti): We have to stick to the amendment, which is—

Ms. Mitzie Hunter: That is very much part of—

The Chair (Mr. Lorenzo Berardinetti): All that Ms. Damerla is moving is that the words “all documents” be struck from the motion and replaced with “only financial records directly related to the expense claims of Metrolinx executives.” That's all we're really discussing right now.

Ms. Mitzie Hunter: What I was saying, if I could finish my sentence there, Chair, in terms of respecting the work of those individuals who put their names forward before this committee for appointments, is that they can know what to expect in terms of this level of oversight. The way that Ms. Damerla has amended this motion in terms of being very specific about the financial expense statements provides that clarity that those individuals need as well, because it is not so broad that it talks about every and all emails or every and all correspondences that have been made between the members of the board and executive and the agency itself.

I think there's a lot of value to taking the time to provide that clarity and really respecting the people who put their names forward, because we do want to ensure that we have the best people providing that level of oversight to our agencies. I think there is a tremendous amount of relevance to considering that fact. As a committee, putting these requests in front of the agencies and asking them to do the required searching, especially when they already have a process that is online and available to the public in terms of the posting of expenses—they might be asking, “Is this duplicating what has already been done? Or is there more that they're asking for?” The fact that we've refined from “all documents” related to the expenses to only the financial ex-

pense statements, I just want to commend my colleague for putting this forward, for perhaps putting herself in the shoes of those who are serving.

Having had the experience serving on these types of agencies, I think it is very important that we respect the time that they put in, and that we want to also continue to attract the best people to serve on these committees. That speaks to the work that we're doing here in this committee, ensuring that we are as helpful as possible as committee members as we are making requests of those agencies, so that they can have the clarity that they need to put together the information that we've asked for, in the format that we've asked for, and in the time frame that we've asked for. I think those are things that are important, because at the end of the day, we're going to receive these documents and they have to have some relevance to the work and the oversight that we're providing in this committee. If we take all of these requests combined, it's a tremendous amount that we're asking of them. I just want to make sure that we're doing the best job possible as committee members.

I really appreciate having the time to speak to this motion and providing these inputs. It's really easy for us to write these requests and then say, "Go off and get this all assembled for us." But we also have to remember, at the end of the day, that these documents have to have some relevance to the oversight that we're doing here and that we're able to utilize them in the most effective way that is available. I also feel that narrowing the search specific to the financial expenses also removes the unnecessary information—information that, really, we don't want to have to wade through because it is not relevant to our look into this agency. It gives us as committee members the opportunity, also, to focus. I see benefits on both sides, as well as to the agency themselves and to the people that are serving on these boards and in these oversight roles for our agencies.

I also think the fact that we can co-operatively put this forward is important as well, so that we're not at odds with the information that we're trying to seek out, that we're working together across parties. So I'm also appreciative of that and to see that we can actually agree. I think that's an important part as well.

So these are some of the comments that I wanted to make. I don't know if you want to add anything further. I know my colleague Ms. Wong wanted to address this briefly as well.

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Ms. Soo Wong: Thank you very much—

The Chair (Mr. Lorenzo Berardinetti): Before you start, Ms. Wong—and I know Miss Taylor wants to speak—I'm just going to ask one more time: We have a dual role here. I know that we're speaking on this motion right now, this amendment, but if we don't deal with this appointment today—it was a selection of the official opposition. If we don't do it today, then there won't be a chance to review it, because the time will expire. It'll just go to the appointment secretariat for appointment—just to be aware of that.

Now, I have Ms. Wong to speak and then Miss Taylor to speak.

Mr. Jim McDonell: I just want to say that—

The Chair (Mr. Lorenzo Berardinetti): A point of order?

Mr. Jim McDonell: Yes, a point of order: just to say that, really, this committee's been struck to look into Metrolinx. Over the last four or five months, I've been somewhat surprised at just how little we've been able to get to because of the filibustering by the Liberal Party here. I think that it's our job to look into it. I would agree that, although we called the witness today, we'd be willing to let that go, because, really, we have an onus to actually get something done on this. We haven't done anything because the last question took four months to get through. This motion here is taking—we're now at two weeks. In this case, it's crazy, because we agree with her amendment and we just want to get to the main motion and move on. If we're going to look into Metro-linx, we've seen—

Ms. Dipika Damerla: Chair?

Mr. Jim McDonell: I have the floor here for a second. We've seen a party that has had very little oversight over their agencies. If you look back, if it hadn't been for committees like this, we wouldn't have had any information on the power plants. The same thing happened for months and months before we were able to get some of the information out. With Ornge, the same thing happened. It was only when we got to the summer period where the meetings went to eight hours and the filibustering just ran out of time.

It's our job here to find out and provide oversight to these agencies, because we clearly see that this government has not been able to do that. It's obviously looking like there's something to hide here, because they're desperately trying not to let this information out.

Ms. Dipika Damerla: Nothing to hide.

Mr. Jim McDonell: Well, that's what we said about other committees. I think it's time that we move ahead and call the motion. I'd like to just call the motion—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Order.

Mr. Jim McDonell: —put it to a vote and move on. I mean, we are agreeing with what you're asking for. What else could be more clear?

The Chair (Mr. Lorenzo Berardinetti): Okay. Miss Taylor, you're next, but it's getting close to 10 o'clock. It takes half an hour to do the review of an appointee. She's sitting there in the audience. It's not going to finish today. We have other speakers down here.

Mr. Jim McDonell: We have 20 minutes per speaker. That should be reasonable debate on this and we should be able to move ahead. It's clear that they're trying to delay this vote—

The Chair (Mr. Lorenzo Berardinetti): Yes, I know.

Mr. Jim McDonell: —and so any documents will not come out before this spring. We don't need this—

The Chair (Mr. Lorenzo Berardinetti): Yes, I know. I can't stop that right now. I'm following—

Mr. Jim McDonell: Well, you can after one more vote. I would think that everybody speaking for 20 minutes here would be sufficient debate.

The Chair (Mr. Lorenzo Berardinetti): I'm allowing debate because the standing rules allow it, and—

Mr. Jim McDonell: Well, let's move on and get the next 20 minutes over. We'll still have time for a vote—and move on. I think that would be sufficient debate.

The Chair (Mr. Lorenzo Berardinetti): Yes. Okay, Miss Taylor.

Miss Monique Taylor: Thank you, Chair. I was also looking at the clock and seeing that it was five to 10. It would be great if we could have Ms. Egan go through her appointment today as she's been here for the second time.

We would love to see this be moved through, Chair. There has to have been sufficient time on this matter, and it is your right to say that there has been sufficient time for debate on this matter. We went through the debate on the last week that we sat, and now we're doing it again today, Chair. It's five to 10. We've had nothing accomplished except listening to words that we've already heard several times over. I think that we need to respect Ms. Egan's time, stop filibustering and move this committee on with the work that it's supposed to do.

The Chair (Mr. Lorenzo Berardinetti): I would like to move on with the appointment. As Chair, part of my job is to move on and get appointments done. In fact, when I was Chair of this committee for the first time in 2003-04, many, many years ago, we used to get a lot of appointments through, and then we decided to add—I wasn't on it afterward, but someone decided to add the review of committees.

I have to be fair. Ms. Wong wants to speak next; I can't say no to her. We're going to lose the right, if we don't let Ms. Egan speak today—she will just be appointed. It was a selection of the official opposition. So as much as I would also like to move on, the rules allow for any member to speak for up to 20 minutes and then cede the floor. Those are right here in the standing orders. So if Ms. Wong wants to speak for one minute or 20, up to a 20-minute maximum, I have to allow that.

Ms. Soo Wong: Okay. Mr. Chair, I just want to be, as a new member of this committee this morning—

Interjection.

Ms. Soo Wong: It is true. You can laugh, but I just want to be on record, Mr. Chair. There have been several comments and allegations made, and these are public meetings and public records. I am prepared—I want to be on record—to park my 20 minutes. As Mr. Chair has indicated, I am allowed 20 minutes to speak. I am prepared to park my 20 minutes to have the witness called before this committee so that the committee can review her credentials for this appointment. I'm prepared to do that, Mr. Chair.

To address the comments made by Mr. McDonell and Miss Taylor is fair and transparent, because when you make allegations against a member, a member has the right to defend his or her position. I've dutifully said that

I haven't been given that opportunity. Furthermore, Mr. Chair, I've been very respectful, not interrupting and not filibustering as they've been alleging. I've been listening and taking notes throughout the whole proceeding. I am prepared, Mr. Chair, if necessary, to move the motion, as Ms. Damerla asked earlier, the selection on the agenda: a selection of the official opposition members for the Building Materials Evaluation Commission. I am prepared to move the motion—it wasn't moved by me; it was my colleague—to move the agenda up.

I don't know, Mr. Chair. In past practices, when an appointment of this nature, a selection of a potential candidate for a board or commission—why wouldn't that be considered a first priority if this is time-sensitive? You just told us, the committee, that this is time-sensitive. If this is time-sensitive, it should be the first priority of the day. Furthermore, maybe the subcommittee can provide some direction, because I know that the subcommittee does its work before the committee. Furthermore, I just want to make sure that we don't delay the appointment of Anne Egan for the committee.

The Chair (Mr. Lorenzo Berardinetti): Okay. I just want to make one point clear: You would need the unanimous consent of this committee if you wanted to hear from Ms. Egan. If we don't get unanimous consent, then you have your time to speak. Is there unanimous consent to deal with Ms. Egan or not? I heard a no here.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Please go ahead, Ms. Damerla.

Ms. Dipika Damerla: Chair, I just want to know two things. One is: When the other side interrupts while we're speaking and they speak, does that count towards the time that they are speaking? They keep accusing us of filibustering, but I'd be very interested to know how many minutes Miss Taylor has spoken today, in all.

The second thing is: I applaud Ms. Wong for what she has done; she is giving up her time so that Ms. Egan can present. The other side has said no. Why can't we get a recorded vote on that?

The Chair (Mr. Lorenzo Berardinetti): There is discretion here. There's no countdown clock saying, "19, 18, 17, 16." Mr. McDonell and a few others do not want to move on. So Ms. Wong, you can speak, but you've got to speak to the amendment that's in front of us.

Ms. Soo Wong: I'm happy to talk about the amendment. Mr. Chair, I'm just reading the amendment now for the first time. The first piece here is: As a new member of the committee, I need to get some clarification with regard to the words "financial expenses." What does that term mean? The piece here is with respect to this—because in the original motion, the mover asked for "financial expenses." So clarification is critically important, because what is the intended outcome?

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The other piece here is, when you ask about all of the Metrolinx board of directors and executive members, who is defined as an executive member? Does that also include the consultants? Because from time to time, you

have consultants out there making X number of dollars, and there's an allegation the consultants overspent. So I want to know in terms of clarity.

The other piece here with regard to the amended motion as well as the original motion—because if the amended motion fails, you go back to the original motion—what is the intended purpose of this? I suspect—and I could be wrong, so I want some clarification. Is the intent of the motion to hold Metrolinx accountable and ensure the transparency of the funds being given by the government?

The other piece here is, I heard earlier from my colleague about the concern of duplication. What specifically is the intent of this, both the original motion and now the amended motion? Because with regard to this extended date to now 45 days or something to that effect, this review can be done sooner. So I wouldn't mind having a motion if the data can come back earlier. If there's no duplication—because I heard earlier that some of the information is already on the website. If the information is already on the website, it's reducing the timeline. I would rather have the information come to this committee sooner, but no more than the 30 days or whatever date it is. If it can come to this committee—this committee meets on a weekly basis. I see Mr. Holyday nodding his head. If the committee can get the information, if it can come earlier, that's what we want to do, right? Am I correct? And if we can, reduce the duplication, because it requires staff time. Staff time means both Metrolinx staff as well as the Ministry of Transportation. The message has to be, if we can get this information sooner—but no less than that timeline. That's what I'm asking. In other committees, they have reviewed Metrolinx. Are we doing duplication? It's not just a government agency here. There are other committees that have reviewed Metrolinx.

My question here is, there are multiple committees going on, looking at this particular crown agency. How do we reduce duplication? If we can reduce the duplication as well as get the report back to the committee sooner than later, but we do a cap on the specific day so that Metrolinx cannot delay in reporting back to this particular standing committee—because at the end of the day, I don't want to review another report that has gone before another committee asking for the same thing. At the end of the day, I want the report to come sooner, not later, and there is a specific timeline for that search and that request.

Those are my questions, Mr. Chair. If somebody, maybe the researcher, can clarify: What does the term “financial expenses” mean? What does the term “executive members” mean? Does that include those consultants? Some of those consultants make over \$100,000 on the sunshine list. Would they be considered as an executive member? We have consultants who work for crown agencies who will be perceived as executive members, but they are not direct employees. Would they be considered as executive members? So I need some clarification. Those are my comments.

Interjections.

Ms. Soo Wong: Mr. Chair, I want him to respond to my questions.

The Chair (Mr. Lorenzo Berardinetti): Okay. One moment. I think Mr. Parker can answer that for you.

Mr. Jeff Parker: I won't be able to get you a specific definition off the top of my head necessarily. The motion will be interpreted by the committee based on what the committee decides is appropriate. Generally, when you talk about the board of directors, that's a specific list of people for any crown agency. The executive members again are usually a very specific list of people. If you go on Metrolinx websites, you can find that list. That's generally how we would think it would be interpreted.

Ms. Soo Wong: So any consultants who work for Metrolinx in terms of IT—because oftentimes, companies hire external reviewers and external reports and what have you—will not be considered as executive members in terms of the definition?

Mr. Jeff Parker: Well, it would depend internally on Metrolinx definitions, but generally an executive member is someone who holds a specific rank, as opposed to someone who makes a specific amount of money. It would depend on the corporation. In Metrolinx's case, they already have lists on their website, so I assume that that's how they would interpret the motion and give it back to us, but that's both between Metrolinx to interpret the motion and the will of the committee to decide whether or not they've interpreted it correctly.

Ms. Soo Wong: Now, my other question to you, through the Chair, is in terms of duplications, because there have been express concerns about potential duplications. In terms of ensuring the quality of the report coming to this committee, can you provide some direction to this committee to reduce the duplication? And, in your professional opinion, can this kind of report come back in less than the timeline?

Mr. Jeff Parker: I don't know that I would be best equipped to say what resources Metrolinx will need in order to enact this motion. The committee has the power to request documents and persons at their discretion, so if the committee decides that they would like to request this information from Metrolinx in 30 days, it will be up to Metrolinx to decide how best to meet the motion.

In terms of duplication—I've been to the Metrolinx website. In terms of costings, it gives an overview, but it doesn't necessarily cover all of the documentation that this motion requests. But again, that is up to the committee and up to you, as members, to decide what information you need to best carry out your duties.

Ms. Soo Wong: Thank you.

Ms. Dipika Damerla: Chair?

Mr. Jim McDonell: Ms. Wong has the floor.

The Chair (Mr. Lorenzo Berardinetti): She has 20 minutes to speak.

Ms. Soo Wong: I'm done.

The Chair (Mr. Lorenzo Berardinetti): Okay. Ms. Damerla?

Ms. Dipika Damerla: Chair, we do believe that—
Interjection.

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor, I'm sorry. One second. Miss Taylor first. My apologies. I was getting caught up.

Miss Monique Taylor: Thank you, Chair.

The Chair (Mr. Lorenzo Berardinetti): Go ahead.

Miss Monique Taylor: I was really hoping that we would be able to move along, Chair, and be able to get this appointment done today. It looks like we've now wasted another full day here in this committee in talking and not getting any work done.

I was really impressed to hear the member, Ms. Wong, say that she thinks this work should be presented to us in no less than 30 days, or in 30 days at the max—that it should be sooner, or at the max 30 days—because she's absolutely right. The information is there, so they should be able to provide it quite readily.

Even their own members are agreeing that 30 days is more than sufficient, Chair. We need to move forward, so I would like to take this opportunity to call the question.

The Chair (Mr. Lorenzo Berardinetti): All right. Before we call the question, I'm going to allow Ms. Damerla, because she put her hand up. You have a question of the researcher?

Ms. Dipika Damerla: I just wanted to suggest something, Chair. We are actually ready for you to ask the question. We've said everything we wanted to, but one more time, in the interests of forwarding the proceedings and being respectful to Ms. Egan—who, by the way, has been called here by the official opposition. As you know, Chair, once we go to a vote, we are entitled to a 20-minute recess.

The government side is willing to give that recess time to Ms. Egan so she can present. The only rider is that it can be used only for Ms. Egan to present, and not to filibuster or anything else by the other side. It's our right to get that recess; as long as the recess is used only for the business of listening to Ms. Egan presenting, not to introduce other motions or anything else. We would be prepared to do this one more time to ensure that Ms. Egan can go away, having done her job, and not have to come back.

The Chair (Mr. Lorenzo Berardinetti): I can't allow that to happen right now, because we have the motion that you moved, Ms. Damerla, and we have to vote on that. Then we have the main motion by Miss Taylor.

Ms. Dipika Damerla: In that case, before a vote, we'd like a recess.

The Chair (Mr. Lorenzo Berardinetti): Sorry? You would like—

Ms. Dipika Damerla: Before a vote, we'd like a recess. If we can't use it, that's unfortunate. We would have liked to have used it for Ms. Egan, but if it's not going to be used—

The Chair (Mr. Lorenzo Berardinetti): All right. So we'll do the recess. Unfortunately, that will use up the time.

Next meeting, first thing—

Mr. Jim McDonell: We don't agree to 20 minutes. We'll agree to a 10-minute recess. We don't—

Ms. Dipika Damerla: The rules allow it, Jim.

The Chair (Mr. Lorenzo Berardinetti): No, but they're allowed a 20-minute recess.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Hang on. Okay. So the question is, do we want to vote now?

Miss Monique Taylor: Yes.

Mr. Jim McDonell: No.

The Chair (Mr. Lorenzo Berardinetti): Do you want to vote now?

Ms. Dipika Damerla: A 20-minute recess. It will take us to past—we can't hold it today.

The Chair (Mr. Lorenzo Berardinetti): You want a recess. Okay.

Miss Monique Taylor: Can I just have on record, Chair—

The Chair (Mr. Lorenzo Berardinetti): Yeah. It's all in Hansard. I'm sorry. What—

Miss Monique Taylor: I would just like to make sure that it's recorded that the question is now on the floor, that the government has called a 20-minute recess, and that the next time we come back, next week, the first thing that we're going to be doing is voting on the amendment, Chair.

Ms. Dipika Damerla: We would like to listen to Ms. Egan first, but we'll—

Miss Monique Taylor: Well, you have your 20-minute right. You have to come back and you have to vote. So by the time we come back next week, just so we're all clear, the first thing that we're going to be doing is voting, right?

The Chair (Mr. Lorenzo Berardinetti): Yes, but as Chair, I've got to be satisfied there has been enough debate.

Miss Monique Taylor: We're not going to allow them to speak again.

The Chair (Mr. Lorenzo Berardinetti): Okay. All right. She called the vote, and I will call the vote. There's been enough debate. So first thing next Tuesday, we will do the vote. She's allowed to call that 20-minute—

Mr. Jim McDonell: A point of order.

The Chair (Mr. Lorenzo Berardinetti): Mr. McDonell.

Mr. Jim McDonell: A question to the Clerk: In this case here, with the motions on the floor, are they entitled to a 20-minute—

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Once the Chair has called the vote, any member is allowed to call for a recess for up to 20 minutes. That's standard. So we will vote next week, first thing on the agenda. We'll vote on this amendment, and hopefully we can get to the main motion. Okay? Thank you. The committee stands adjourned.

The committee adjourned at 1012.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 15 April 2014

Journal des débats (Hansard)

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Standing Committee on Government Agencies

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 15 April 2014

Mardi 15 avril 2014

The committee met at 0905 in committee room 1.

COMMITTEE BUSINESS

The Chair (Mr. Lorenzo Berardinetti): We'll start the meeting. Good morning, ladies and gentlemen. This is the Standing Committee on Government Agencies.

When we adjourned last week, I had put a question on the amendment moved by Ms. Damerla to the motion by Miss Taylor. A 20-minute recess was requested and I adjourned the meeting. So now we'll take the vote, without any debate or amendment. We're going to vote now on the amendment that was moved by Ms. Damerla. Okay?

I'll just quickly read in the amendment. Ms. Damerla had moved as follows: "I move that the words 'all documents' be struck from the motion and replaced with 'only financial records directly related to the expense claims of Metrolinx executives.'"

That was moved on April 1 and it was debated on April 8.

We'll now vote on Ms. Damerla's amendment. All those in favour of the amendment? Opposed? The amendment carries.

Now we move back to the main motion that was moved by Miss Taylor. Everyone has a copy of it in their package; it's right here.

Miss Monique Taylor: Chair?

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor.

Miss Monique Taylor: I would like to call the question, please, Chair.

Ms. Dipika Damerla: Chair, we'd like a 20-minute recess before the vote.

The Chair (Mr. Lorenzo Berardinetti): Before we do that, can I just get one thing done? It's a housekeeping matter. Before we resume debate on the main motion, could I have an agreement to quickly consider the subcommittee report that was before the committee, the subcommittee report dated Thursday, April 10, 2014? Would someone please move adoption of the report?

Miss Monique Taylor: I move adoption of the subcommittee report on intended appointments dated Thursday, April 10, 2014.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Any discussion? Okay. We'll vote now. All in favour? Opposed? The motion is carried.

The other thing is, should we deal with the extension of deadlines now? One more thing very quickly—it's a

housekeeping matter. There are a number of extensions because there are people who have applied for appointments, and I just wanted to deal with the extensions.

There are currently 11 intended appointees selected by the committee whose deadlines or extensions expire before our next meeting. We would require unanimous consent of the committee to extend the deadlines so that we may interview these individuals who were selected at a later date.

I'll just read out very quickly the people we need an extension for. I'll just go through them quickly.

Number 1 is Richard Patten, nominated as member, Ottawa Convention Centre Corp.

Number 2 is Egya Sangmuah, nominated as member and vice-chair, Landlord and Tenant Board (Social Justice Tribunals Ontario).

Number 3 is Jeff Kehoe, nominated as member and chair, Ontario Capital Growth Corp.

Number 4 is Mary Anne McKellar, nominated as presiding officer, Pay Equity Hearings Tribunal.

Number 5 is Ranjit Singh Dulai, nominated as member, Ontario Judicial Council.

Number 6 is Sarah Jacobs, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario).

Number 7 is Anne Golden, nominated as member, Metrolinx.

Number 8 is Iain Dobson, nominated as member, Metrolinx.

Number 9 is Andrew Glenney, nominated as member, Council of the College of Veterinarians of Ontario.

Number 10 is Ronna Hope Warsh, nominated as member, Council of the Ontario College of Teachers.

Number 11 is Shadi Sandra Katirai, nominated as member, Council of the College of Physiotherapists of Ontario.

Do we have unanimous agreement to extend the deadlines to consider the intended appointments of Richard Patten—do I have to read each one, or can we just read them all together?

Interjection.

0910

The Chair (Mr. Lorenzo Berardinetti): —Richard Patten to May 16, 2014? Can we extend that one? Agreed? Thank you.

Ms. Dipika Damerla: No, no; it has to be unanimous consent, right?

The Chair (Mr. Lorenzo Berardinetti): All right. We don't have unanimous consent.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Egya Sangmuah to May 16, 2014? Agreed? Okay. That one has been extended.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Jeff Kehoe, nominated as member and chair, Ontario Capital Growth Corp., to May 16, 2014? Agreed? Thank you.

Do we have unanimous consent and agreement to extend the deadline for the appointment of Mary Anne McKellar, nominated as presiding officer, Pay Equity Hearings Tribunal, to May 16, 2014? Agreed? Okay.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Ranjit Singh Dulai, nominated as member, Ontario Judicial Council, to May 23, 2014? Agreed? Okay.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Sarah Jacobs, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario), to May 23, 2014? Agreed? Agreed.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Anne Golden, nominated as member, Metrolinx, to May 23, 2014? I heard a no. That's not extended.

Do we have unanimous agreement to extend the deadline—

Mr. Frank Klees: Chair, just on that point: I'd be interested to know why the government members are refusing to extend the deadline for Anne Golden.

Miss Monique Taylor: And Richard Patten.

Ms. Dipika Damerla: I'm happy to respond to you with a written explanation or an oral explanation after.

Mr. Frank Klees: Yes, please.

Interjections.

Ms. Dipika Damerla: I'm happy to talk about it; we just got some briefing.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry. Ms. Damerla?

Ms. Dipika Damerla: I'm happy to respond to Mr. Klees. We don't want to extend them because we want them filled now.

Mr. Frank Klees: I'm sorry. I'm having a hard time hearing.

Ms. Dipika Damerla: I said, we're opposing the extension because we'd rather have them filled now, right away, because there's work to be done at Metrolinx and we can't keep extending it.

Mr. Frank Klees: I would think that the work at Metrolinx could get done by extending the date. By not extending the date, you're essentially saying that you're willing to terminate Anne Golden's appointment.

The Chair (Mr. Lorenzo Berardinetti): No. What happens is that after a period of time, the person is automatically nominated as the tapped position. If we wait, say, until May 23, they are not appointed until May 23

when they come in front of this committee, if they appear that day.

Mr. Frank Klees: What we're saying is that the government is treating all of these other appointees differently.

The Chair (Mr. Lorenzo Berardinetti): Well, I think this is the second one where I heard a no. What happens with those people, if it's not unanimous, is that they get appointed after a certain period of time.

Mr. Frank Klees: What I would like some clarification on is, we have a list of appointees here. The government has taken a position on two appointees, Ms. Golden and Mr. Patten, different from the other appointees. I'm sure that these other appointees would be interested to know why the government is treating them differently. Are they not as important as Ms. Golden and Mr. Patten? If I was one of these appointees, I would be very concerned at the treatment I was getting from the government here. Perhaps Mr. Bartolucci—

The Chair (Mr. Lorenzo Berardinetti): I had Miss Taylor down first, then Mr. Bartolucci. Go ahead, Miss Taylor.

Miss Monique Taylor: I think that Mr. Klees makes a good point. It looks like some are being favoured over others, and we were just curious as to why we would extend some and not others. I would just really like clarification on that because it seems quite unfair.

The Chair (Mr. Lorenzo Berardinetti): Okay. Mr. Bartolucci?

Mr. Rick Bartolucci: First of all, I don't think we need to provide any clarification at all, but, out of goodwill, we will.

The reality is that, obviously, it's necessary that these appointments be done as quickly as possible, and I go back to what I said four meetings ago: If we dealt with appointments first, we wouldn't be running into this type of nonsense. So I'm hoping that a motion is going to appear again that says, "Let's deal with intended appointments first and then deal with the rest of the business that this committee does," and we wouldn't be running into this quagmire that we find ourselves in. Thank you.

Mr. Frank Klees: Chair?

The Chair (Mr. Lorenzo Berardinetti): Mr. Klees.

Mr. Frank Klees: I believe it is very important that we have clarification, for the benefit of the committee as well as for the benefit of the individuals who are on this list, as to what the implications are of the extension not being granted for some and being granted for others. Perhaps we could get a clarification from the Clerk as to how this works and what will happen specifically to those appointees for whom the extension is not being granted today. What will happen to those, and how will those for whom the extension is being granted be dealt with?

The Chair (Mr. Lorenzo Berardinetti): Maybe I can answer it. People who are getting an extension are not appointed until the date—for example, May 23—

Mr. Frank Klees: I'm happy to have the Clerk give us this explanation, Chair. It may save you some trouble.

The Chair (Mr. Lorenzo Berardinetti): For example, number 5, Ranjit Singh Dulai: If we agree to extend and they come to the committee—because otherwise the deadline runs out. So they can come to committee on May 23 and make their presentation, and then we can discuss the appointment at that time. If the extension is not granted, then they are automatically appointed, because, the way the rules work, there's a certain period of time. When the opposition parties, or even the government, call someone to appear before committee, the clock starts running, and that clock will expire unless we give these people an agreement to extend their deadline.

Mr. Rick Bartolucci: Chair, excuse me for interrupting you, but because I think we want this to be as nonbiased as possible, can we take Mr. Klees's suggestion and have the Clerk explain exactly what happens so that there won't be any semblance of bias here as we go on? I think it might be better if the Clerk did that explanation.

Mr. Klees?

Mr. Frank Klees: I think that that would be in everyone's best interest.

**The Clerk of the Committee (Ms. Sylwia Przedz-
ziecki):** When a committee selects individuals for review by the committee off a certificate, the committee has 30 days from the date of that certificate to review the individuals, or else the committee in effect loses its opportunity to review the individuals—unless, by unanimous consent, the committee extends the deadline for review.

And so, to answer Mr. Klees's question about the implications, all the individuals on this list—the committee will not have an opportunity to review them. That is, it will not meet before the deadlines for consideration of these individuals expire. By not granting unanimous consent to extend the deadline, effectively the committee loses its opportunity to have that person before the committee for review.

Mr. Frank Klees: To be very clear, what has happened here, then, by the government members refusing to extend the date for Mr. Patten and Ms. Golden, is that the government has essentially said, "We will deny this committee the opportunity to review those potential appointees." Is that correct, Clerk?

0920

Ms. Dipika Damerla: Chair?

Mr. Frank Klees: No. Chair, I would like the Clerk to respond, please.

The Chair (Mr. Lorenzo Berardinetti): And then we'll take you right after that.

**The Clerk of the Committee (Ms. Sylwia Przedz-
ziecki):** Without unanimous consent, the deadline—in some cases, it's a deadline from the original certificate; in some cases, it was a deadline that had been agreed to by a previous extension—will simply expire.

Mr. Frank Klees: So essentially what the government has done here, by denying unanimous consent, is they have ensured that this committee will not have the opportunity to review the appointment of Mr. Patten and Ms. Golden. Is that correct?

**The Clerk of the Committee (Ms. Sylwia Przedz-
ziecki):** The deadlines—

Mr. Frank Klees: Just "yes" or "no."

**The Clerk of the Committee (Ms. Sylwia Przedz-
ziecki):** Well, I mean, the deadlines within which the committee would be able to review will have expired.

Mr. Frank Klees: Yes. So by denying—Clerk, you're not—to Mr. Bartolucci's point, what we're trying to do is get a non-biased response, and now we have a Clerk who is refusing to give me a yes or no response.

Interjections.

Mr. Frank Klees: I don't want to pick a fight with the Clerk. Please. That would be so wrong.

The Chair (Mr. Lorenzo Berardinetti): She has been giving a non-biased explanation.

Mr. Frank Klees: I know that. Chair, you know—

The Chair (Mr. Lorenzo Berardinetti): It's in the standing orders.

Mr. Frank Klees: Just really, for once in 18 and a half years, I'm trying to get a straightforward answer on the record. I thought we might be able to achieve that here this morning.

Ms. Dipika Damerla: I'm happy to give a black-and-white answer.

Mr. Frank Klees: I'm just going to try one more time for the record. By denying the unanimous consent to extend the date for Mr. Patten and Ms. Golden, the government has effectively denied this committee the opportunity to review those appointments.

Ms. Dipika Damerla: The answer is no, because this government has given the opposition—

Mr. Frank Klees: I'm not asking you.

Ms. Dipika Damerla: But I need to answer this, because you're implying, and I have to get this on the record—because the government has given the opposition multiple opportunities to have brought the appointee business forward and done all other business later—many, many times. Go back to the Hansard.

So the answer is, really, the opposition has denied itself the opportunity to review these appointments by simply not agreeing to review them when they were sitting here and playing politics. You really denied yourself that opportunity.

Some of these people have been extended twice. There has been absolutely no reason. We could have first reviewed them when they were sitting here, and we would still be discussing those motions. I have to respectfully submit that I think in this instance, perhaps unwittingly, the opposition has denied itself this opportunity, not the government.

Mr. Frank Klees: Let me ask this question, then: Why—

Mr. Rick Bartolucci: Through the Chair, of course.

Mr. Frank Klees: Through the Chair, of course, because I actually didn't direct my question to the honourable member to begin with. But through you, Chair, I would then ask for this explanation from the government: Why are you treating these two applicants differently from the others who are on this list?

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor wants to speak.

Miss Monique Taylor: Thank you, Chair. I'm having a really difficult time with the explanations that I've heard from the government side as to why these people have been held up. We all know it to be true that the government has filibustered since December 3. That has held—

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Can I get some order? I'm having trouble—excuse me. I'm having trouble listening to Miss Taylor.

Sorry. Go ahead.

Miss Monique Taylor: The government has continued to filibuster this committee since December 3. That has held up our appointments. Some of these appointments have still not had the opportunity to come before us. Yes, we have had a few appointees here that we weren't able to see, but we also extended their deadlines.

Possibly a coincidence, but the only ones who have been denied have been from selections of the third party so far, if you may have noticed. We take offence to that. We think that we have the right and the ability to have people come to this committee, and these people should have the right, when their time is here in committee, to be heard on behalf of this committee, not to have to sit in the back row while the government continues to filibuster with amendments and motion after motion after motion.

So if we want to talk about time wasted, I think it would be on the part of the government, not on this side of the table.

The Chair (Mr. Lorenzo Berardinetti): Okay. This is what I'm going to do. I'm going to continue, because there's a few more to go. I'm looking at the clock—

Ms. Dipika Damerla: Chair?

The Chair (Mr. Lorenzo Berardinetti): Ms. Damerla.

Ms. Dipika Damerla: We're happy to reconsider all of them. If they want us to say no to all the extensions, we can do that. We just thought we'll say no to the ones where we need the work to get started. But if their big complaint is why a few and why not the others, frankly, we've extended all of them at least once.

You lost the right to review them when you played political games, as far as I'm concerned. So if your big concern is why these two and not all the others, we're happy to say, let's not extend any of them. If that's your only complaint, that's fine.

Miss Monique Taylor: The Ottawa Convention Centre is chomping at the bit, right? They're in urgent need.

Ms. Dipika Damerla: There's always urgent need.

The Chair (Mr. Lorenzo Berardinetti): We're getting, I think, subjective. Either we extend them or we don't. We can go back and forth. The bottom line is, if we don't extend them, they get automatically appointed, all right?

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Iain Dobson,

nominated as member, Metrolinx, to May 23, 2014? Agreed? I heard a no.

Mr. Jeff Yurek: Chair?

The Chair (Mr. Lorenzo Berardinetti): Mr. Yurek.

Mr. Jeff Yurek: I just wanted the record to note that the government is officially appointing Metrolinx board members without a review from this committee. It's especially concerning to me when the fact is that Metrolinx is out of control with its advertising spending. It would be great to view the new board members as to their views and how they'd tend to be correcting this problem going through Metrolinx—and also the fact that we're concerned about the secret agenda of the government instituting the gas tax. Appointing these people without a discussion at the committee level only plays further to the point that they are putting it behind to secretly import that tax into the community.

The Chair (Mr. Lorenzo Berardinetti): Ms. Forster.

Ms. Cindy Forster: Certainly, the third party would like to hear from Anne Golden in light of the transit announcement that was made yesterday to spend \$29 billion over the next 10 years. We would be more than happy to hear what Ms. Golden has to say about that spending, as well as about the plan in general.

Interjection.

The Chair (Mr. Lorenzo Berardinetti): No, hang on.

Ms. Cindy Forster: Iain Dobson as well is from Metrolinx.

The Chair (Mr. Lorenzo Berardinetti): Okay, Mr. Bartolucci.

Mr. Rick Bartolucci: Mr. Chair, we're going around in circles now. We're just going to be repeating arguments and arguments.

Four weeks ago, I think, I said, why don't we deal with intended appointments? If you want to hear what Ms. Golden says, let's have the intended appointments before we have the stuff that we're doing. Then you'll be able to decide whether or not we're going to appoint her. It's a double-edged sword.

I cannot believe that we're wasting this much time on this. I think if, in fact, the order of business was switched dealing with the intended appointees, that would go a long way in ensuring that if you think there's something wrong with a particular agency, you have some control over those. Because you have the majority in committee work now, you have control over who you appoint and who you don't appoint.

The Chair (Mr. Lorenzo Berardinetti): First Ms. Damerla and then Mr. Klees.

Just as Chair, I want to explain one thing. Once the person is selected to appear before this committee, the committee must consider that appointment within 30 days to deal with that appointment of either the third party or the opposition. If we don't deal with it within 30 days, we're asking for an extension to deal with it, adding another 30 days to it. If we don't agree to that, then they're automatically appointed. Those are the rules.

I'm not making them up; they're in the standing orders. So it's not biased.

I understand the arguments from both sides here, but the rules say that 30 days after selection, we get the chance to review them. Anne Golden: We selected her on a certain date—I have it in front of me—and then we didn't deal with her within 30 days. So either we get an extension or, if we don't extend, we automatically appoint—bottom line.

Interjection.

0930

The Chair (Mr. Lorenzo Berardinetti): I'm sorry?

Mr. Frank Klees: Why didn't we deal with it within 30 days?

The Chair (Mr. Lorenzo Berardinetti): They're going to say it's because we had to deal with—basically, either we do the 30 days, or we get an extension. All right? A lot of time has been spent in this room dealing with the motions and the amendments to the motions.

Ms. Dipika Damerla: Chair, I just want to—

Miss Monique Taylor: It's called filibustering.

Ms. Dipika Damerla: No, Chair, it's not. I recall in the last session that Ms. Wong agreed to give up her 20-minutes when she was speaking to have a witness come up, and nobody on the opposition agreed. You're accusing us of filibustering, but we gave up our time to say that we will use the time that has been allocated to us to allow a witness to appear. I gave up our 20-minute recess. I was willing to say that the 20-minute recess may be used to allow another appointee to come here so that the committee could review them. It was again refused.

You guys refused every opportunity to listen to them, and now you're turning around and saying, "We're being denied this." I mean, it's just—you know. It is what it is.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Okay. There are three more to go. That's all. If we can get through these three, we can go back to the debate.

Mr. Klees, go ahead.

Mr. Frank Klees: I find it most interesting, Chair, that the argument is now being made that the opposition has denied these appointees from coming forward, when the record will clearly show that it was the government that filibustered over the last number of months, through amendments to amendments, and refused to allow the business before this committee to come forward.

To me, actually, it now is very clear: What really was happening here is that the government was intent on ensuring that its nominated appointees would not appear before this committee and that it was their intention all along to appoint these people without the opportunity for the opposition to review them. Now we know the real reason behind this filibuster. This is appalling.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Let's get something done this meeting. There are only three more to go. Let's get them done.

Ms. Mitzie Hunter: Chair, could I just respond to that? I think that the honourable member has—I'm just

not sure where you're drawing those conclusions from. I have gone on record saying that we have two responsibilities in this committee: to review the agencies that are put forward and also to review intended appointments. I've asked repeatedly that we divide our time in meetings to be able to address both businesses that we have before us as a committee. It was your choice, as opposition members, to deny that request which was put forward by the government repeatedly—

The Chair (Mr. Lorenzo Berardinetti): We're not going to agree here. There are three more to go. Let's get these appointments done, and let's move on to the motion by Miss Taylor, please. We can argue until the cows come home. All we're going to do is blame each other.

Okay, number 9: Do we have unanimous agreement to extend the deadline to consider the intended appointment of Andrew Glenn, nominated as member, Council of the College of Veterinarians of Ontario, to May 20, 2014? Agreed? I heard a no.

Number 10: Do we have unanimous agreement to extend the deadline to consider the intended appointment of Ronna Hope Warsh, nominated as member, Council of the Ontario College of Teachers, to May 20, 2014? Agreed? I heard a no.

Number 11: Do we have unanimous agreement to extend the deadline to consider the intended appointment of—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry; number 11 is not necessary. That's it with the appointees.

Now we move on to the main motion.

Miss Monique Taylor: Why isn't number 11 necessary?

The Chair (Mr. Lorenzo Berardinetti): The Clerk has explained to me that that was already extended, number 11.

My apologies. The person we have to extend is Shadi Sandra Katirai, nominated as member, Council of the College of Physiotherapists of Ontario. The deadline expires April 20; we're looking to extend to May 20. Do we have unanimous consent to extend it until May 20? I heard a no.

So we're finished with that and then we're going to move on now to the motion by Miss Taylor. It's in our package. I don't think I need to read it out again.

Miss Monique Taylor: No, because it's amended now.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry. The Clerk tells me I have to read it out. This is Miss Taylor's motion:

"I move that the Standing Committee on Government Agencies request from Metrolinx and the Ministry of Transportation the production of all documents related to the expenses of all Metrolinx board of directors and executive members between January 1, 2012, and March 18, 2014; and that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable format."

There was an amendment that passed on the motion. The amendment that passed was by Ms. Damerla and basically the amendment was, "I move that the words 'all documents' be struck from the motion and replaced with 'only financial records directly related to the expense claims of Metrolinx executives.'"

That carried today. I just read out the main motion. Can we have a vote on this?

Ms. Dipika Damerla: Chair, sorry. Are we able to see the amended motion that we are going to vote on, and can we get a 20-minute recess? It probably makes sense that way.

The Chair (Mr. Lorenzo Berardinetti): I've been advised by the Clerk that the amendment is in order. The only thing that we need is a few minutes to write it out, and then we can do that amendment.

Mr. Rick Bartolucci: So there is a 20-minute recess?

The Chair (Mr. Lorenzo Berardinetti): No, not 20 minutes; just a few minutes for the Clerk to copy that. All right?

Interjection.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry. What were you moving again?

Ms. Dipika Damerla: Nothing. Right now, we just want to see the amended motion that we are going to vote on, that's all.

The Chair (Mr. Lorenzo Berardinetti): All that Ms. Damerla is requesting is that the amendment appear with the main motion that was moved by—

Mr. Rick Bartolucci: In the form of a motion.

The Chair (Mr. Lorenzo Berardinetti): Yes, the main motion by Miss Taylor.

Mr. Rick Bartolucci: The motion with the amendment in it; correct, Sylwia?

The Clerk of the Committee (Ms. Sylwia Przewdzicki): If the members don't find it sufficient to have the two documents like that and would prefer it in one paper, then—

The Chair (Mr. Lorenzo Berardinetti): She's allowed to request that it's all put together on one page. So we'll take a five-minute recess so that can be produced on one document. We'll just recess for five minutes. Thanks.

The committee recessed from 0939 to 0951.

The Chair (Mr. Lorenzo Berardinetti): Okay, we're back in session now. Everyone should have in front of them a copy of the motion, as amended. Everyone has it.

I know, Miss Taylor, that you called the question, but the Clerk has advised me that I have to ask if there's any further debate.

Miss Monique Taylor: Could we just have clarity on what the actual motion should read? As the Clerk pointed out when we put it together, there was some duplication in wording. My suggestion is that we take out "related to the expense claims of Metrolinx executives" in the third line down.

The Chair (Mr. Lorenzo Berardinetti): The third line down—you want to strike out the part, "related to the expense claims of Metrolinx executives."

Miss Monique Taylor: Right, because in the next line, it says, "related to the expenses of all Metrolinx...." Do you know what I mean?

The Chair (Mr. Lorenzo Berardinetti): I know what you're saying. Do we agree to that?

Miss Monique Taylor: If we just take out "related to the expense claims of Metrolinx executives," all the rest of it flows together.

The Chair (Mr. Lorenzo Berardinetti): Mr. Klees?

Mr. Frank Klees: Chair, I have a concern about that, because depending on how this is interpreted—the words "executive members" could be interpreted as executive members of the board as opposed to all executives of Metrolinx.

Miss Monique Taylor: I see what you're saying.

Mr. Frank Klees: So I think—

Miss Monique Taylor: I'll withdraw, then, Chair.

Mr. Frank Klees: —it will actually be more comprehensive by leaving it the way it is.

Ms. Dipika Damerla: But it makes no sense in English. It's hard to follow.

The Chair (Mr. Lorenzo Berardinetti): I'm going to have to rule at some point in time, because I want to get going on this.

Interjections.

Mr. Rick Bartolucci: No, he asked if there's any further debate. There's still some debate. We can solve everybody's problem by putting in an amendment that everyone is in favour of. I think Ms. Hunter has that amendment, if I'm not mistaken.

Ms. Mitzie Hunter: Yes.

The Chair (Mr. Lorenzo Berardinetti): Okay. Let's first agree on this. Is the wording fine, yes or no?

Mr. Frank Klees: I'm fine with it, because I think it's more comprehensive. Without that reference, "related to the expense claims of Metrolinx executives," it leaves open to interpretation the words "executive members."

The Chair (Mr. Lorenzo Berardinetti): So we'll leave it the way it is. I have to ask if there's any further debate. Ms. Hunter?

Ms. Mitzie Hunter: Chair, I would suggest an amendment to clarify the language in this motion. I am proposing that we strike out "related to the expenses of all Metrolinx board of directors and executive members" and replace it with "and board of directors." So the revised motion would read, "I move that the Standing Committee on Government Agencies request from Metrolinx and the Ministry of Transportation the production of only financial records directly related to the expense claims of Metrolinx executives and board of directors between January 1, 2012, and March 18, 2014; and that these documents be produced within 30 days of this motion passing; and that responsive documents be provided in an electronic, searchable format."

That's how we would clean the language and be clear that we're looking for the expenses of the executives as well as the board.

Miss Monique Taylor: Of Metrolinx.

Ms. Mitzie Hunter: Metrolinx, yes.

Miss Monique Taylor: Metrolinx board of directors?

Ms. Mitzie Hunter: We do say “Metrolinx.”

Mr. Rick Bartolucci: We do say that.

Ms. Mitzie Hunter: Yes. We do say “Metrolinx executives and board of directors.”

Interjections.

Ms. Mitzie Hunter: You want “Metrolinx executives and Metrolinx board of directors”? I’m fine with that.

Miss Monique Taylor: It’s your motion.

Ms. Mitzie Hunter: Would you like me to rewrite that?

The Chair (Mr. Lorenzo Berardinetti): So you’d only add, after the word in the third line, “Metrolinx executives and Metrolinx board of directors related to the expenses of all”—I don’t know if it makes sense to me.

Ms. Mitzie Hunter: I’m rewriting it, Chair.

The Chair (Mr. Lorenzo Berardinetti): All right. Let her rewrite it and read it into the record, because I’m not sure what the change does.

Miss Monique Taylor: This is what happens when amendments are made on the fly.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): We’ll just take a five-minute recess. The Clerk wants to make a copy of the amendment and how that affects the main motion. We’ll just take a five-minute break.

The committee recessed from 1000 to 1005.

The Chair (Mr. Lorenzo Berardinetti): Does everyone have a copy of the amended motion? Ms. Hunter?

Ms. Mitzie Hunter: I can read in the change that we’re making.

The Chair (Mr. Lorenzo Berardinetti): Do you want to read it into the record?

Ms. Mitzie Hunter: Yes.

The Chair (Mr. Lorenzo Berardinetti): Go ahead.

Ms. Mitzie Hunter: I move that we strike the duplicative language in the motion related to the expenses of all Metrolinx board of directors and executive members and replace it so that the motion will now read:

“I move that the Standing Committee on Government Agencies request from Metrolinx and the Ministry of Transportation the production of only financial records directly related to the expense claims of Metrolinx executives and Metrolinx board of directors between January 1, 2012, and March 18, 2014;”—and then the motion carries on where the semicolon is.

The Chair (Mr. Lorenzo Berardinetti): Does everyone understand that?

Mr. Frank Klees: Yes.

The Chair (Mr. Lorenzo Berardinetti): Any discussion or debate? All right, so—

Ms. Dipika Damerla: A 20-minute recess.

The Chair (Mr. Lorenzo Berardinetti): Ms. Damerla has asked for a 20-minute recess before the vote. That will effectively put us to—

Mr. Frank Klees: Chair, I would just like, for the record, to let people know that once again, the government is at its games.

The Chair (Mr. Lorenzo Berardinetti): I can’t comment on that.

Mr. Frank Klees: Ms. Damerla has called for a recess, which precludes a vote and moves us on to the next meeting.

The Chair (Mr. Lorenzo Berardinetti): She called for the 20-minute recess. That will bring us to 10:26. Unfortunately, the committee is adjourned until next week.

The committee adjourned at 1007.

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Session, 40th Parliament

Assemblée législative de l'Ontario

Deuxième session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 29 April 2014

Journal des débats (Hansard)

Mardi 29 avril 2014

Standing Committee on Government Agencies

Committee business

Comité permanent des organismes gouvernementaux

Travaux du comité



Chair: Lorenzo Berardinetti
Clerk: Sylwia Przewdziecki

Président : Lorenzo Berardinetti
Greffière : Sylwia Przewdziecki

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIES

Tuesday 29 April 2014

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Mardi 29 avril 2014

The committee met at 0906 in committee room 1.

COMMITTEE BUSINESS

The Chair (Mr. Lorenzo Berardinetti): I call to order—welcome, this morning, to everyone—the Standing Committee on Government Agencies. Today's date is Tuesday, April 29, 2014.

The first item on the agenda is the vote on the amendment moved by Ms. Hunter, which we have in front of us. It's in our package. It was moved on April 15. We'll go to a vote on the amendment right away. We all have it in front of us here. Are we okay to vote on this?

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Okay. We're ready to go. So this is the amendment. Everyone has it in front of them. All those in favour of the amendment? Opposed? The amendment carries.

Then we move on to the main motion, which is moved by Miss Taylor. We have a copy of that as well. It's in our package here. The motion as amended—all those in favour? Opposed? That carries.

All right. It's nice to get something done today.

The committee business in front of us: There are two reports of the subcommittee. One is dated April 17, 2014. Can someone read that into the record? Mr. McDonell, I think you have it.

Mr. Jim McDonell: I move the adoption of the subcommittee report on intended appointments dated Thursday, April 17, 2014.

The Chair (Mr. Lorenzo Berardinetti): Any debate? All those in favour? Opposed? Carried.

Then we have the report of the subcommittee on committee business dated Thursday, April 24, 2014. Do I have someone to move that report? Miss Taylor.

Miss Monique Taylor: I move the adoption of the subcommittee report on intended appointments dated Thursday, April 24, 2014.

The Chair (Mr. Lorenzo Berardinetti): Any debate? None? All those in favour? Opposed? That carries.

Two things I wanted to discuss with committee members: In front of us, we should have—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): The Clerk is going to distribute the names of the extensions. There are four people in total.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): There are currently four intended appointees selected by the committee whose deadlines or extensions expire before our next meeting. We would require unanimous consent of the committee to extend the deadlines so that we may interview these individuals who were selected at a later date.

They are Justin Duncan, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario); number 2, Anne Egan, nominated as member, Building Materials Evaluation Commission; number 3, Karen Kraft Sloan, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario); and number 4, Marcia Valiante, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario).

Do we have unanimous—

Ms. Dipika Damerla: Chair, can we do them one at a time?

The Chair (Mr. Lorenzo Berardinetti): Yes. I'm just going to do that right now.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Justin Duncan, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario), to move that extension to May 29, 2014? Do we have unanimous agreement? All those in favour? Opposed? That carries.

Number 2, do we have unanimous agreement to extend the deadline to consider the intended appointment of Anne Egan, nominated as member, Building Materials Evaluation Commission, to May 29, 2014? Do we have unanimous consent? I heard a no. Okay.

We'll move on to number 3. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Karen Kraft Sloan, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario), to May 29, 2014? Do we have unanimous consent? Agreed? Okay, agreed.

Number 4, do we have unanimous agreement to extend the deadline to consider the intended appointment of Marcia Valiante, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario), to May 29, 2014? Do we have unanimous agreement? Okay, that carries.

I think everyone received either a recent email or document regarding documents to do with Metrolinx. We have those documents with us, and I just need some direction from the committee. Some pages are confidential, and before we distribute them, I just need some direction, because they are confidential. They will go out today to members of the committee. The Clerk needs to know what to do with the documents. She can distribute them and either have them returned after the meeting or—I think the Clerk can explain better than I can the distribution of the documents. Madam Clerk—

Mr. Rick Bartolucci: So, Chair, I've got to be perfectly honest with you. I came in with an agenda, and now we're adding onto the agenda. I don't think any of us are prepared to discuss the stuff that we haven't seen in advance. If you'd like to arrange another meeting, we may be open to that, but I'm certainly not open to starting to provide direction when we haven't seen anything.

The Chair (Mr. Lorenzo Berardinetti): The documents were emailed out yesterday. It's kind of late notice, I know. So they were distributed yesterday by email.

Ms. Dipika Damerla: But it's not on the agenda, so we had no idea it was going to be discussed.

Miss Monique Taylor: It was emailed to you.

Ms. Dipika Damerla: I know, but it's not on the agenda, so last night I'm not looking at it as an item that's coming up today.

Mr. Rick Bartolucci: So those of us who had computer problems yesterday didn't see this stuff.

The Chair (Mr. Lorenzo Berardinetti): I think the Clerk can provide a further explanation. Madam Clerk, did you—

The Clerk of the Committee (Ms. Sylwia Przedziecki): Yes. Committee members, as I indicated by email to you yesterday, the Ministry of Transportation and Metrolinx did respond to the committee's request for information as per the motion that the committee passed on March 25. Those documents have come in. As per usual, it is my role to distribute them to committee members.

However, before I distribute the keys—because they were all copied on to USB keys, as the request was for an electronic format—I would really require some direction from committee members how to treat the documents that are currently in my possession. Both the Ministry of Transportation and Metrolinx, as per the transmitted letters you have before you, identified certain of those documents as confidential. They have requested that the committee keep certain documents confidential. It is, of course, up to the committee how it will treat those documents once it has seen them and reviewed them. However, those documents are in my possession as well. In case I do not have a further opportunity to hear from the committee, and in case the committee's mandate comes to an end or the 40th Parliament dissolves and those documents are in my possession, I would need some direction.

If there is a dissolution or prorogation, what does the committee wish me to do with those documents in my

possession that have been identified as confidential by the ministry and Metrolinx? Do I send them back to the agency and the ministry and not make them public, or do I exhibit them with the rest of the documents received, which, in effect, would make them part of the committee's public record? I would need some direction on that.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? Mr. Klees.

Mr. Frank Klees: Well, Chair, first of all, we haven't seen the documents, so it's very difficult for, I think, any member of this committee to say that the documents should be kept confidential, or, in the opinion of the committee, whatever may be deemed confidential by the ministry or Metrolinx should be available for public view. So until we've had an opportunity to actually view those documents, I think it's impossible for this committee to even comment on this, unless—I mean, one possibility we have is that we get copies and we have an opportunity to review it.

I would ask the Clerk this: Has the Clerk viewed those confidential documents?

The Clerk of the Committee (Ms. Sylwia Przedziecki): Other than just to verify the integrity of the files, I have not perused them, no.

However, to your point, Mr. Klees, yes, of course, the committee will have an opportunity to review the documents and then decide. My concern, as someone who has these documents in her possession, barring any further instruction from the committee—should there not be an opportunity for the committee to come back and provide further instructions, in that case, what am I to do with those documents?

Mr. Frank Klees: Well, I would think that the prudent thing for you to do, not having any further direction from the committee, is to in fact not make those documents public. I don't think that would be appropriate. The only way that those documents should be made public is if in fact the committee has an opportunity to review it and give that direction.

The Chair (Mr. Lorenzo Berardinetti): So maybe—I know I have a couple of other people down here to speak. But maybe they could be distributed. We can take a 15-minute break—

Ms. Dipika Damerla: No. We need more than 15 minutes.

Mr. Rick Bartolucci: Chair, if we're going to view the documents, we'd have them at an in camera meeting, obviously. I don't know what the extent of those documents are, if there's one page, there's one billion pages—who knows for sure? But one thing you don't do is talk about a confidential document in public. You would meet in camera to determine whether or not it's confidential, whether the committee deems it confidential. I think that's what Mr. Klees is saying, and that's what I thought I said at the very beginning.

The Chair (Mr. Lorenzo Berardinetti): I have Mr. McDonell, then I have Ms. Damerla and then I have Ms. Hunter.

Mr. McDonell.

0920

Mr. Jim McDonell: I say there's no reason why we can't close this meeting and see those documents today. We have the documents. We've asked for them. They're available. The committee should at least see them, and we can at least pull out the ones that are confidential. The others are public. Then we can make a quick decision on the ones that are—start the process, anyway, of looking at them.

The Chair (Mr. Lorenzo Berardinetti): Ms. Damerla, you were next on my list.

Ms. Dipika Damerla: Chair, my preference—I'm new to all of this—is to have some time for each of us to read it in private, not take a 20-minute recess where we're all rushing through the documents right now, and then to be able to come back and discuss it in camera and go one by one and say, "Yes, let it go public. No, this is not to be"—so let's just put it in on the agenda for the next time we meet so that we can all, having done our homework, come prepared to discuss it in camera.

Mr. Rick Bartolucci: It should be an in camera meeting.

Ms. Dipika Damerla: Yes, in an in camera meeting. I think trying to rush it right now—I'm not sure what the point is.

Mr. Jim McDonell: Well, we have till 9:30.

Interjections.

Ms. Dipika Damerla: Oh, yes. You can get the documents and we'll discuss it next time. So I can go home and read it and you can go home and read it—

Mr. Jim McDonell: You can, or we can read them here and decide if you want to leave.

Ms. Dipika Damerla: Well, there's nothing to stop you from reading right away. I'm just saying, maybe you only need half an hour to digest it, but maybe I need three hours. Let's just be fair.

Mr. Percy Hatfield: Yes, because if your computer is broken, you have nothing else to do, anyway.

Mr. Rick Bartolucci: I'm a slow reader. It's going to take me an hour and a half to read one document—the next meeting.

Miss Monique Taylor: Chair?

The Chair (Mr. Lorenzo Berardinetti): Just one second. I have Ms. Hunter, and then I'll get to you, Miss Taylor, in one second.

Mr. Klees had mentioned earlier that—basically, your suggestion was to release documents, and then, after that—

Mr. Frank Klees: I'm suggesting that we release the documents to the committee. And I really think that Mr. McDonell is making a very good suggestion—I see nothing else on the agenda—that we go in camera immediately in this committee, that we then take the rest of the time available to us to review the documents. If some committee members prefer not to do that, they don't have to, but I think that it's a good use of our time to then look at the confidential documents. We don't know; I don't think any of us have seen it. There may be two; there may be 20; there may be 200. It could well be

that within an hour and a half, after viewing those documents, we then can give direction to the Clerk. So that would be my suggestion.

Miss Monique Taylor: Chair?

The Chair (Mr. Lorenzo Berardinetti): One second. Ms. Hunter and then Miss Taylor. You were down earlier.

Ms. Mitzie Hunter: Mr. Chair, for me, members have expressed that we have not had this item on the agenda today. It's new information. I agree that it needs to be released to the committee. But it doesn't seem as if this is something that the committee has come prepared, either through subcommittee or through our committee work on the agenda, to discuss.

Absolutely, the Clerk needs direction to share those documents with committee members. I would support my colleague's suggestion that we schedule an in camera meeting for the committee as a whole to consider the documents. But I certainly know that giving us time to receive the information that is not on the current agenda is something that would be appropriate.

The Chair (Mr. Lorenzo Berardinetti): It was requested. There was a request for it previously, so she has the documents. The problem is, some of them are confidential; some of the pages are confidential. Maybe the Clerk can explain it better.

Ms. Mitzie Hunter: We don't have any specifics.

Interjections.

Ms. Dipika Damerla: There are 1,400 pages.

The Chair (Mr. Lorenzo Berardinetti): Just one moment. I think if the Clerk—the Clerk explained, because this may be the final meeting of this committee. I just have Miss Taylor, then Mr. Klees. Miss Taylor, go ahead, and then Mr. Klees.

Miss Monique Taylor: Through you, Chair, to the Clerk, is it appropriate that I moved a motion right now asking that we go in camera to review the documents?

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Yes, I think—I have Mr. Klees. Oh, sorry.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): The problem is, this could be our last meeting, and so—

Ms. Mitzie Hunter: But we don't know that, so I don't—that is a huge, huge speculation.

The Chair (Mr. Lorenzo Berardinetti): It could be; it could be not.

Mr. Rick Bartolucci: Tomorrow the sky might fall.

Ms. Mitzie Hunter: But I don't think our business in this committee can be predetermined by that.

The Chair (Mr. Lorenzo Berardinetti): We had Miss Taylor and then Mr. Klees. If you want to speak, Mr. Klees is next; then I can put you down, Ms. Hunter, if you want to speak again. So, Mr. Klees, go ahead.

Mr. Frank Klees: Thank you, Chair. In the interest of the Clerk's request for direction, perhaps before we get on into further discussion about what we're going to be doing here, I would think that what we should do as a committee, and I'd ask support of the committee mem-

bers here that we make it very clear what the direction is to the Clerk should this committee not have an opportunity to review those documents and give further clarification related to the confidential documents—that it be very clear that the Clerk is directed not to make those documents public—that is, the confidential documents—should this committee not have an opportunity to sit again on this matter.

Could we get agreement from the committee? Perhaps you should ask for that.

Ms. Dipika Damerla: Erring on the side of caution.

The Chair (Mr. Lorenzo Berardinetti): Is that okay with everybody?

Mr. Rick Bartolucci: I think everybody is in unanimous agreement with that.

Mr. Frank Klees: Okay. I just think it was important for the Clerk to have that.

The Chair (Mr. Lorenzo Berardinetti): I thank you, Mr. Klees. So we'll move on Mr. Klees' direction. She will distribute the documents, and then we'll have a chance to—the secret documents.

Interjection.

Mr. Rick Bartolucci: So if the committee hasn't seen the documents, that the confidential material not be released. I think that's what we agreed to. Correct?

The Chair (Mr. Lorenzo Berardinetti): Yes, that's right.

Mr. Frank Klees: But we also agreed that the committee members should have access to the documents and should see the documents.

The Chair (Mr. Lorenzo Berardinetti): Yes. She will distribute them right now.

Ms. Dipika Damerla: Chair?

Miss Monique Taylor: How are we supposed to go in camera to review this?

Mr. Rick Bartolucci: Exactly.

Ms. Dipika Damerla: Excuse me, Chair.

The Chair (Mr. Lorenzo Berardinetti): One moment. I just need to speak to the—

Interjections.

0930

The Chair (Mr. Lorenzo Berardinetti): Okay, so these have been distributed to—

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Excuse me. One second.

Ms. Dipika Damerla: Chair?

The Chair (Mr. Lorenzo Berardinetti): One moment, Ms. Damerla. I'm trying to—

Ms. Dipika Damerla: Chair, I move a motion to adjourn the meeting, there being no further business.

The Chair (Mr. Lorenzo Berardinetti): One thing before we do that—I just need direction. If we meet next time, can we start reviewing some of the appointments? Yes or no?

Miss Monique Taylor: Yes.

Mr. Jim McDonell: Yes.

The Chair (Mr. Lorenzo Berardinetti): All right. So can we put three appointments down for—

Miss Monique Taylor: Whoa, whoa, whoa.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Mr. McDonell and then Miss Taylor. Go ahead.

Mr. Jim McDonell: I think we have these documents. Could I ask if we could have the confidential ones printed out so that we can make some decision on them at the next meeting? We would have the week to review them, and then at that meeting we could—

Interjection.

Mr. Jim McDonell: Would that be appropriate? We have a list of confidential documents. We're not sure how many there are. We have to make a decision on whether they are confidential or not. The next opportunity would be the most reasonable one to decide that. We could have printed copies and go over them one by one and decide at that point.

The Chair (Mr. Lorenzo Berardinetti): So you would like to discuss that next meeting, then.

Mr. Jim McDonell: Yes.

The Chair (Mr. Lorenzo Berardinetti): All right. For the whole meeting?

Mr. Jim McDonell: Well, I'm not sure. Are there two documents? Are there 10—confidential. I think you might have to set aside the whole meeting.

The Chair (Mr. Lorenzo Berardinetti): Okay. Here's the instruction. Can I have everyone's attention before we go any further. In here, there are eight banker's boxes of documents—

Interjections.

The Chair (Mr. Lorenzo Berardinetti): How many do we—

The Clerk of the Committee (Ms. Sylwia Przedziciecki): Just in verifying the integrity of the files and seeing what files are on the keys, the bulk of the documents are from Metrolinx, so the paper version is about eight banker's boxes. Four have been identified as redacted and half unredacted, so it's about half-half. From the Ministry of Transportation, it's a much thinner package. There are five documents that are in the requested confidential file.

Ms. Dipika Damerla: So can I ask—

The Chair (Mr. Lorenzo Berardinetti): I have Miss Taylor down, and then we'll go to Ms. Damerla.

Miss Monique Taylor: Thank you, Chair. Hearing this information of the extent of the documents that we're to look at and to decide what to do with, I think that the entire next meeting should obviously be dedicated to nothing but speaking about the documents.

The Chair (Mr. Lorenzo Berardinetti): Okay. Ms. Damerla and then Mr. Klees.

Ms. Dipika Damerla: I just had one question: Is it clear in the way the files are organized what's confidential and what's not, so when I go, I'll know that I'm looking at something that the government deems confidential or the government deems public? Is that the way it's organized?

The Clerk of the Committee (Ms. Sylwia Przedziciecki): Yes. It's in two files.

Ms. Dipika Damerla: Okay. Perfect. Thank you.

My other thing, Chair, is that we have been postponing the review of a lot of appointments, many, many times extended. We again extended today. All I'm saying is, let's do half and half, because if we don't do those appointments, then we won't extend them. I can't agree to just infinitely extending them. I'm just saying, I would also like the opposition to have a chance to review the candidates the government is recommending, but we cannot constantly keep extending them. So to Miss Taylor's point, I would suggest we do half and half, or we'll be in a position where we have to say no to the extension so that those agencies can do the work that they're supposed to.

The Chair (Mr. Lorenzo Berardinetti): Okay. Thank you. Mr. Klees.

Mr. Frank Klees: Chair, I just heard the Clerk tell us that from the Ministry of Transportation, there are only five documents that are confidential. Is that correct? In the interest of getting some work done here, I would suggest this: that we ask that those five documents be printed out now. We can take a 10-minute break waiting for those documents to be printed out and to be distributed to the committee. How much time is left? Forty-five minutes? We have lots of time to review five documents. That would give the committee the opportunity to do that and we can give direction to the Clerk specifically with regard to those documents, should the committee deem to do so. But it would at least give us some productive work to do here for the next 45 minutes.

Mr. Rick Bartolucci: Okay. How long are those documents? Do you know?

The Clerk of the Committee (Ms. Sylwia Przedzicki): No.

Mr. Rick Bartolucci: You don't know. Well, let's have each document at—

Mr. Frank Klees: I would think that those documents are probably two or three pages.

Mr. Rick Bartolucci: Yes, but what happens if they're long?

Mr. Frank Klees: Let's find out.

The Chair (Mr. Lorenzo Berardinetti): Just one second. I just have two more speakers, here: Ms. Hunter and then Ms. Taylor.

Ms. Mitzie Hunter: It seems like we came to a pretty reasonable decision, given this new item. We've had a conversation around it. We've provided the Clerk with some specific direction on how to handle the confidential files. We agreed to convene next meeting in camera to review the documents because we're seeing them for the first time as a committee and I think that's what we want to do. I thought we had agreed to consider some appointments so that we keep a sense of balance in our work of doing both the agency review as well as the intended appointments.

So I don't feel that there is enough time for us to go print off documents—we don't know how long those documents are—and be able to make that kind of careful assessment that we need to do as a committee. But we

now have them. As committee members we can do our homework and come back prepared to discuss them in camera next time.

The Chair (Mr. Lorenzo Berardinetti): So then we would—

Ms. Mitzie Hunter: I would like to at least do one or two of the intended appointments. I think it's very important that we continue to have that opportunity, even if it's just one, if we could all agree on that.

The Chair (Mr. Lorenzo Berardinetti): Okay. Miss Taylor, Ms. Damerla and then Mr. McDonell.

Miss Monique Taylor: I was just wondering if the non-redacted documents that are in the file are already public.

The Chair (Mr. Lorenzo Berardinetti): If they're—I'm sorry, what was the last word?

Miss Monique Taylor: If they're already public.

Mr. Percy Hatfield: Good question.

Ms. Mitzie Hunter: I would say no.

The Chair (Mr. Lorenzo Berardinetti): I think everything is in here right now, so we'd have to take a look at them. I'm just going to go back to the Clerk one second because I don't know how long those other documents from the Minister of Transportation would be that Mr. Klees is requesting.

Just before I go to the next person, Mr. Klees, I'm understanding from the Clerk it would be hundreds of pages to print off.

Mr. Frank Klees: It was a suggestion. If it's impractical then it's impractical. I just thought that while we're here we could look at the documents. I defer to the committee on this one.

The Chair (Mr. Lorenzo Berardinetti): Okay. Ms. Damerla, you were next.

Ms. Dipika Damerla: I'm not entirely sure what the rush is and why making these decisions cannot wait until the next time we meet so that we do make a considered decision. I'm not entirely sure but whatever it might be it seems like it's impractical at this point to ask the Clerk to print them on the fly. We start reading them right here on the spot and go, "Page 1 is okay." I don't know how you can do that without the full context of reading everything at least reasonably. I don't know how anybody is going to read eight banker's boxes fully with all of the different duties we all have. But we'll try. We'll have the support of our staff in each party. I'm just going to suggest, why don't we adjourn now. Those who are real keeners can start reading this right away. But I just don't see the point of back and forth on all of this.

My only other request will be that we also, at the next meeting, consider some of the appointees so that we don't have to extend them again, because the number of times we've had to extend some of their appointments is becoming untenable. Other than that, I move a motion to adjourn the meeting.

The Chair (Mr. Lorenzo Berardinetti): Okay. I still had Mr. McDonell.

Mr. Jim McDonell: I think it's clear we have a mandate to look at Metrolinx. I can't apologize for the

filibustering that's gone on since December here by the government. I think they've done everything they could to delay this agreement. We have them. Maybe it's not practical, the length to look at any of them. We had 45 minutes, so I'm not sure why we couldn't have at least tried, but anyway, I can live with that.

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Let's look at these documents next week. Of course, my understanding is anything that's not classified or not restricted is available, is in the public domain. It's only the documents that are classified as commercially restricted that we'll be making decisions on, and I say we start next week. It sounds like there are that many documents that we might as well set the whole period aside for this. This is very important, and I think we should just move ahead and if they want to adjourn, that's fine, but I think that's the direction we—

The Chair (Mr. Lorenzo Berardinetti): Mr. Hatfield?

Mr. Percy Hatfield: Thank you, Chair. Yes, I have no problem if the committee wants to adjourn this agenda, but rather than lose the rest of the time, I would rather be regaled by Mr. Bartolucci and Mr. Klees about some of their stories over the many years they've served in this House. They could use us as a sounding board for some of those stories before they get into the big theatre, whenever that happens.

Mr. Rick Bartolucci: I'd be more than happy to talk about the late Peter Kormos and the way he was able to filibuster, a real pro who taught us so much about filibustering. There are a million stories that we can talk about the NDP and their filibustering techniques over the years.

The Chair (Mr. Lorenzo Berardinetti): My prerogative here is not to—

Mr. Rick Bartolucci: A motion to adjourn.

The Chair (Mr. Lorenzo Berardinetti): Okay. One last speaker: Ms. Hunter?

Ms. Mitzie Hunter: Just in terms of this item, I would not predetermine that the non-confidential files are in the public domain.

Mr. Jim McDonell: They aren't.

Ms. Dipika Damerla: Can the Clerk—

The Chair (Mr. Lorenzo Berardinetti): Let's get clarification from the Clerk one more time on the confidential documents.

Ms. Dipika Damerla: Not confidential; the ones that are deemed not confidential. The ones that are not redacted.

Interjections.

Ms. Mitzie Hunter: Yes, the unredacted because—

Interjection.

Ms. Mitzie Hunter: They've been released how and where, and we, as a committee, haven't necessarily got them. So when was that decision made?

The Clerk of the Committee (Ms. Sylwia Przedziecki): As with any documents that are filed with the committee, generally the committee members are the first to receive them. Once they've been received by the com-

mittee members, they are considered public documents and my office would share copies with anybody looking for them, unless the committee determined otherwise.

Ms. Mitzie Hunter: So I would request that we deal with this matter at our next committee meeting when we go in camera and we have an opportunity to review the files for the first time as a committee.

The Chair (Mr. Lorenzo Berardinetti): Is that okay with everybody?

Mr. Jim McDonell: Yes, I'm okay. It's just that we've got a pile of documents here today. They're all public, the same thing.

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor?

Miss Monique Taylor: Chair, I just want to confirm if the redacted documents are public.

Ms. Mitzie Hunter: No.

Ms. Dipika Damerla: No.

Miss Monique Taylor: Hold on, hold on. On here, is it just redacted documents or—

The Chair (Mr. Lorenzo Berardinetti): The redacted ones would be public because the—that's why they've redacted them, unless the Clerk says otherwise. Let's get an explanation from the Clerk. One moment.

The Clerk of the Committee (Ms. Sylwia Przedziecki): On each key, the committee members will find initially two files, one labelled "MTO response," one labelled "Metrolinx response." Going deeper within each file are two folders, or within each folder are two folders, one labelled "Not Confidential" and one labelled "Requested" or identified as "Confidential." From that top level, it should be clear which documents the agency and the ministry have identified as confidential, and those are the documents, barring any further instructions from you, I understand, that will not be made public, should I not receive any further instructions from the committee.

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor, then Mr. Klees.

Miss Monique Taylor: That answers my question.

The Chair (Mr. Lorenzo Berardinetti): Mr. Klees?

Mr. Frank Klees: So for clarity, the understanding and the practice is that the documents that have now been received by the committee, save and except for those documents that are marked "Confidential," are now public. They're available to us. We have them as committee members. The redacted documents are public. The reason they're redacted is that there are parts of those documents that are considered confidential. There's nothing wrong with a redacted document being in the public domain because it is redacted. That's why it's redacted.

Then there's a third set of documents that are marked "Confidential."

For clarity, the direction that the Clerk has, Chair, is that those confidential documents are to remain confidential, subject to this committee making a further decision on that. But immediately, starting today, the package of documents that have been delivered to this committee is public. I just wanted to make that clear. There should be no confusion about that.

The Chair (Mr. Lorenzo Berardinetti): Okay. Miss Taylor, is that—

Miss Monique Taylor: That's what I thought too. He just did it much better.

The Chair (Mr. Lorenzo Berardinetti): Okay. I have Ms. Hunter.

Ms. Mitzie Hunter: Is it my turn? My understanding of what we decided this morning is that we have just been given these eight banker's boxes on a stick, that we have an opportunity as a committee to review what is there, and that we will come back as a committee and discuss what was submitted to the committee.

Mr. Frank Klees: No, that's not it at all.

Mr. Rick Bartolucci: Seriously, we didn't agree to that.

Ms. Mitzie Hunter: Okay.

Mr. Jim McDonell: It's only the confidential documents.

The Chair (Mr. Lorenzo Berardinetti): Yes. The understanding is that only the confidential documents have to be decided on, once the committee has reviewed them—whether they should remain confidential.

Mr. Frank Klees: I think, Chair, it should be clear that that's just common practice for a standing committee. We're not making any new rules here. The minute this committee receives documents that have been ordered, they are public unless there is a confidentiality issue that the committee has to decide upon.

The Chair (Mr. Lorenzo Berardinetti): Is that agreed?

Ms. Dipika Damerla: I think that's standard protocol—

The Chair (Mr. Lorenzo Berardinetti): We will meet next meeting. Given the fact that there are eight boxes of material, I don't think it's practical to put any appointments on.

Interjections.

Mr. Frank Klees: Chair, just a suggestion: We've done this in the public accounts committee. The reason the documents were ordered electronically, obviously, is that it's much easier—

The Chair (Mr. Lorenzo Berardinetti): Excuse me. I just need to make sure the committee is listening, so that this isn't repeated again. I'd ask everyone, just for a second, to—

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Excuse me. Ms. Damerla?

Ms. Dipika Damerla: Oh, sorry.

The Chair (Mr. Lorenzo Berardinetti): I just want everyone to hear what Mr. Klees has to say, and I would just ask that other members do the same when others are speaking.

Go ahead, Mr. Klees.

Mr. Frank Klees: Yes. This is done in other committees. Eight banker's boxes—obviously, it's impractical for us to ask the committee to have those produced in hard copy. The reason they're ordered electronically is that it's easier for us to search the documents.

If someone wants to review the hard copies, then I suggest that the committee make the hard copies available in a designated area between certain times, so that, whether it's a member, or a member wants to designate a staff person to review the hard copies, that will be available to them.

The Chair (Mr. Lorenzo Berardinetti): All right. Does everyone agree with that? That would be through the Clerks, then, that the copies would be done. This is done on other committees. In public accounts, it's done as well.

Okay. Ms. Damerla?

Ms. Dipika Damerla: Chair, I'd like to move adjournment of this committee.

The Chair (Mr. Lorenzo Berardinetti): Okay. All right, there's no debate. A motion to adjourn has been moved. All those in favour? Opposed?

Mr. Jim McDonell: Just to clarify: Next week, we'll get back to these documents?

The Chair (Mr. Lorenzo Berardinetti): Yes.

Mr. Jim McDonell: Okay.

The Chair (Mr. Lorenzo Berardinetti): Okay. We are adjourned. Thank you.

The committee adjourned at 0949.

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